THE DEFENCE OF THE Parliament of England IN THE CASE of JAMES the II.

OR, A TREATISE OF REGAL POWER AND OF THE Right of the PEOPLE,

Drawn from Ancient Councils, the Determinations of Wise-men, and more especially from the Ordinances of the Doctors of the Church of *ROME*, as also from Reasons fetcht from the Law of Nature and of Nations.

Wherein is demonstrated that the Holy Scriptures are so far from being contrary, that they do even assent thereto.

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THE PREFACE TO THE READER.

A Man would think the Brevity and the Nature of this ſmall Treatiſe, which is compoſed of nothing elſe but Teſtimonies, Examples and Demonſtration, ſhould have ſaved me the trouble to prefix a Preface before it, which uſually being nothing elſe but an extract of what is moſt uſeful in any Work, it did ſeem ſuperfluous in this place; but becauſe, the Reader, at the firſt View, and before he hath read it quite over, might have found ſome things, defective in the Order, and the Nature of the Proofs I have made uſe of, I perceive my ſelf obliged to render a Reaſon of both in this Preface; as for the Order or Method it would, without doubt, have ſeemed more natural to begin theſe Proofs at the Holy Scripture, and to have continued them by Reaſons fetched from the Law of Nature and of Nations, and at laſt to have concluded with the Teſtimonies of the learned in all Ages of Chriſtianity. I have taken a Courſe quite contrary; and the Reaſon of it is, that the Holy Scriptures having determined nothing poſitively nor preciſely touching this matter; but hath left the Law of Nature and that of Nations in full force and vertue, without meddling with, or infringing them, which I intend to make appear in refuting the Reaſons which thoſe of a contrary Opinion, endeavour to draw from them, under pretence that they every where teach humility and patience. Now every one knows that the refuting of an Adverſaries Proofs ought evermore to follow, and not to precede the Theſis which one maintains. I have alſo made the Teſtimonies and

Examples to go before the Arguments, as being proofs, much more obvious and more popular than those of meer speculation, being very sure that what hath been always believed and practised, is generally the mind and sentiment of all Mankind, and not that of some particular Persons. I have also had another reason for doing this, which is that finding some examples, in ancient Records, running exactly parallel with what hath so lately happened in great Britain.

Now a word or two must be spoken touching the Nature and Validity of the Testimonies which I have related. At first sight a Protestant may be against those Testimonies the Church of Rome *brings in, either by her Counsels, or by her particular Doctors, nay, and if he have but a pique against, and be but never so little discontent with the alterations that have been made in this Country, he will presently cry out against such like Authorities, and will not be able to endure, that the Reformed should make use of them; his impatience is rather an effect of his passion, then of a right discerning of the Truth; and for to convince him that it is so, he needs do no more but to make these Observations with me upon the Councils which I have alledged.* First, *That they did not consist of Ecclesiastical Persons alone, as do those of the later Ages; but of all the States of that Nation wherein they were assembled, and that all their determinations and decisions (more especially in State Affairs) derived all their Power and Authority, from the Power politick; their Decrees for the most part being published under the King's Name, who almost ever assisted at it, in Person: Together with the Grandees of the State, as may appear by the Council of* Toledo, *I have quoted.* Secondly, *Although there was already a great many errors and abuses in the* Latin *Church, yet for all that, it was then the true visible Church, being it made use of no other Creed but that of the* Apostles *and the* Nicene, *as one may see in the National Counsels of* Spain, *and especially in that of* Toledo, *where they rehearsed always the* Nicene *Creed as the Foundation and Arbidgement of the Faith of the Church; and by the way, that I may speak my thoughts what has given the Mortal blow to the* Latin *Church, I think it has been the Addition which* Pious *the* IV. *made of his own profession of Faith to this Creed, for that very time, those who had tender Consciences or any sence of Christianity, could not digest their being obliged by Oath to believe all those impious and profane Additions, sincerely, and firmly, as the Fundamental Truths of Religion.*

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The 3d. Observation that we are to make, is touching the Discipline of the Latin *Church; which, as well as its Doctrine were not by far so much corrupted as they were in the Ages succeeding: Although the Peopes,* Leo *and* Gregory *the two first of that Name, did very much enlarge the Philacteries of the* Roman *High Priest, Yet, had they not set themselves up for Sovereign Arbitrators, and Umpires of Divine and Human Rights; besides, the Opinion of the Infallibility, had not then so much as entered into the mind of Man, so that these determinations and definitive Sentences of the Counsel, are much more juridical and more suiting with the Order God hath established in his Church, and indeed deserve a great deal more respect and consideration then those of the Counsels of the last Ages. Particularly, since the first* Oecumenique *Counsel of* Lateran, *wherein things began to be regulated only according to the Phantasie of the Popes, and not according to Scripture, nor Reason.*

Now as for the particular Doctors of the Roman *Church, I have not pretended that they should be a Rule to the Reformed in this matter, but only indirectly, that is to say, I do make appear by that, that all Christians have held the same Principle, for one cannot deny but that the Reformation may have been settled upon this Foundation; that the Power of Princes over their Subjects, is not Absolute, neither in Spirituals or Temporals, there having been several People who have shaken off the Yoke of their old Masters for the sake of Religion, and not any People but would have done the same, if they had but had power so to do, at such time as they had to do with a Sovereign, who went about to oppress them.*

In speaking my mind sincerely and freely as I have done of the Power of Sovereigns, and of the Rights of the People, I have made no incroachment or attempt upon the lawful Power of Kings, God forbid I should, there is not a Man in the World more convinced, or more fully perswaded of the preheminence and excellency of Monarchical Government above all others then my self, at such time as it confines it self within its just limits. No Man of judgment will ever condemn any sort of Government whatsoever, when is it settled, and is agreeable to the Humour and Genius of the People.

What I have advanced that toucheth them the most to the quick is taken from a Sermon, that Gerson *Chancellor of the University of* Paris, *Preached before King* Charles *the* VI. *and the* Dolphin *who found no fault with it.*

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If I have defended the Conduct and Proceeding of the Parliament of England, *it is because they have changed the Governor only, but not the Government; and that it had substituted in the room of an Oppressor, a pious, just, and wise Prince. Nay, and a Prince too, who was rightful Heir to the Crown, whom they went about to dispoil and devest of his Rights, by a certain fraudulent way never heard of in any Age.*

Some may be apt to say, that this Treatise would have come more seasonably three Years ago, then now, I grant that, but I had not then the opportunities and helps I met with since, which were absolutely necessary for me, nay, I must confess I *had not so much as thought of it, had it not been for an insipid and impudent* French *Book which hath made a great Noise in the World; 'tis call'd,* Advis aux Refugiez, *the impertinent Scribler of this Libel, by establishing Absolute Power in a gross manner, which smells more of his Pension, then of Love for Truth, hath wickedly charged all those of his Nation of Rebellion, who did not blindly obey the Will of their King, and involves the* English *Nation in the same, if not in a greater for loving its Religion and its Laws. I was moreover confirmed in my Design, by the reading of a posthumous Piece of* Richer *Dr. of* Paris, *which was published the last Year, as well as the other, and upon the same Accunt. I have in compiling this Piece, been more solicitous about things, than words; and that is the Reason why one will scarce find in it any Ornaments, but such as do naturally arise from the subject Matter: whether I have succeeded well in the Design, I have propounded to my self, I leave that to the Readers judgment; I will assure him only that I have been exceeding faithful in whatsoever I have reported from the Authors I have quoted.*

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The Defence of the Parliament of England, *in the Case of* JAMES *the Second.*

NExt to the Queſtions that are converſant about Faith, there is not any one of greater conſequence we meet with, that falls under debate, than that Queſtion touching Regal Power; for it highly concerns the Publick to underſtand whether or no it be limited and circumſcribed by humane Laws, or is to be accounted ſupreiour to them all. It will be therefore worth our while, eſpecially in this new unexpected Conjuncture and change of the *Britiſh* Affairs, that have ſo much aſtoniſhed the World, to attempt ſome diſcourſe of it exactly and ſuccinctly. But now to decide each Controverſie that may ariſe concerning Regal power, as well by *divine* as *humane Rights*, nothing ſeems more to the purpoſe, than to begin with the Authority Eccleſiaſtical, tempered and allayed with the Civil, for ſince it conſiſts of both Rights, it deſervedly holds the firſt place, and amongſt humane Authorities is lookt upon as the greateſt. Come on then, as Studiers of brevity, laying aſide any further preamble, let us haſten to the matter in hand.

CHAP. I.

Decrees of ſeveral Councils, *whereby the Regal Power is Circumſcribed and Bounded within its Limits.*

THe Fourth Council of *Toledo* aſſembled out of Eccleſiaſtical perſons and States of the Realm, *Anno* 633. which is named by the Spaniſh Councils, *The Grand and General Council, concerning Kings, that ſhall hereafter ſucceed*; *We* Enact and Decree *this Sentence*, ſaith the Council, *that if any amongſt them, contrary to the reſpect due to the Laws, out of an haughty arbitrary ambition to Lord it over his Subjects, ſhall aſſume and exerciſe Cruelty and Tyrannical power, and ſhall abandon himſelf to unjuſt and vitious exceſſes, and ſhall exerciſe cruelty over his People; Let him be condemned by the Sentence of* Anathema *from our Lord Chriſt, and may be receive judgment and condemnation from God, forasmuch as he hath preſumed to act wickedly, and to bring the Kingdom to ruin and deſtruction: But as for* Simithilana, *who dreading his own evil courſes, hath abdicated* From *Binius. Conc. Tolet.* 4. c. 74.

By others *Cintillanus.*

and forsaken his Kingdom, and divested himself of Regal Authority, It is by and with the consent of the Nation Decreed, That we will never admit him or his Wife, by reason of the exorbitant mischiefs they have committed, no nor his Sons unto our Unity or Communion, nor ever advance or promote them at any time to those Dignities and Honours from which they by their iniquity have lapsed and fallen.

'Tis to be observed, that this Convention or Synod composed of the States of the Nation, or rather of the whole Nation in general, do, in the Synod put Kings in mind of their duty, and withal do exert their power upon male-administratours, and that not in words only but in truth and effect, as evidently appears by the example of *Smithiliana*, between whom and King *James* there is a most wonderful and particular resemblance, as also an exact conformity and agreement between the Synod and Act of Parliament.

VI. *Conc. Toled.* c. 3. The Sixth Council of *Toledo*, assembled of Ecclesiastical persons and States of the Nation, *An.* 676. a Law of King *Chintilanus* about banishing the *Jews* out of the Realm, being introduced with commendations annexed, the Synod adds these words, *But this is by us with all care and diligence to be established, least the heat and energy of it, and our labour should abate, and prove of none effect in our Posterity, wherefore by an unanimous consent of heart and tongue, together with the consent of his Peers, and mature deliberation of the Nobility, we decree and enact, That whosoever in future Ages shall chance to be intrusted with the supream management of the Realm, shall never ascend the Regal Throne, before amongst other obligations, and solemn Oaths of conditions to be performed, he shall promise and declare, that he will never suffer the* Jews *to violate the Catholick Faith; moreover, that by no manner of wayes he shall be abetting to their treachery, or induced by any neglect, or covetousness, shall open the way to their prevaricating, who run headlong to down right Paganism and Infidelity; but what is most aimed at and desired in our time, is, that he should remain untainted and blameless for the future, for in vain is it to do good, if perseverance in the same be not provided for, wherefore at such time as, conformable to the said order he shall be admitted and have access to the Throne to hold the reins of Government, if he shall prove to be a violator of this promise, let him be* Anathama, Maranatha, *from the presence of the everlasting God, and may he afford fuel to everlasting Fire; yea, of the like punishment be any one of the Clergy or any Christian whomsoever who shall be involved in his errour be thought worthy.*

By the Law of the *Fiefs* and *Feudaries*, which contain also Empires and Kingdoms, a Vassal doth not owe fealty or service to his

his Lord once excommunicated, nay he is even absolved of his Oath of Allegiance, as may be seen in *Lib.* 2. *Feudor. Tit.* 28. *S.* 1.

In this Decree of the Senate we meet with two things observable. First, That the King is obliged by an Oath not to permit the Catholick Faith to be violated or infringed; the other is, That in case he shall be found a violator of this same promise, that he shall incur the censure of *Anathema*, he and all his complices and adherents. Both these do run exactly paralliel with the case of K. *James*, for he promised, when he came to the Crown, That he would not suffer the Religion of the Church of *England* to be violated by the Papists, whose banishment out of the Kingdom had been oftentimes debated; he stood not to his word, nay he shews himself a Ring leader, and authoriser of such who endeavoured might and main the subversion of the said Religion, he is therefore made justly sensible of the Parliaments severity in discarding and disowning him. By this Decree it is likewise prohibited that none shall ascend the Regal Chair except he be a Catholick: The same Synod, *C.* 17. adds moreover, *Unless by his demeanour and good conversation he be thought fit and worthy to be advanced to Regal authority, much more unless he be judged fit, upon the account of his orthodox Religion.* This does very much countenance and justifie the Parliaments proceedings in their Act, whereby it is expresly provided, that none shall ascend the Throne, except he be a favourer at least of the Church of *England*: Now it will not be amiss to hear K. *Beccesuinthus* in the Eighth *Toledo* Council, confessing, that the unruly desires of Kings had need of being checkt and restrained, who signed and ratified this Law for himself and Posterity, *Since then in the Ages successively last past, the immoderate unbounded covetousness of Kings hath extended it self to the spoils and incroachments upon the people, and that the lamentable Imposition, and burthensome Taxes have much augmented their lawful Revenues, at length it is revealed to us by divine Inspiration, that seeing we prescribe Laws and Statutes of respect and obedience to be observed by the Subjects, it is meet we should set some bounds of restraint and temperance to the vitious excesses of Princes; Moreover out of our princely clemency, and after due consideration, as well for our selves as for all those who shall succeed us in our glory, we, by Gods assistance do enact a Law, and do publish and declare, that no King upon any private motive or impulse, or by any Faction, shall take away by force, or cause to be taken away, any writings or deeds concerning any thing due to another, so that he may prove himself unjustly to be Lord of, and lay claim to the things so due to them.*

Eighth Synod of *Toledo*, a Law of King *Beccesuinthus* enacted.

K. *James* offended against this Law, when following his brother

Cha. II. his ſteps he vſolently by *Quo Waranto*, deprived Citizens of their Charters, and did in a manner wholly cancel and diſannul the Priviledges and Immunities of the Nation: King *Beceſuinthus* was not of theſe Opinions that Kings were Lawleſs, who enacted a Law for himſelf and his ſucceſſors.

VIII. Synods Univerſal Decree in the Name of the Prince.

Let us on the other hand return to the Synod preſcribing Laws to Kings, *From hence*, ſaith the Synod, *may Kings convince Men that all things is owing to them, and depends on them, when they govern all things wiſely: whence they doubt not but that theſe things are due not to their Perſon but to their Power and Dominion, 'tis Rights that make a King, not his Perſon, for to be King does not ſo much conſiſt in the ordinary meanneſs of perſonal qualities, as in his honour and ſublime grandeur, the things then that are due to honour, are aſſiſtant to honour, and what Kings heap up and amaſs they leave to the Kingdom, that foraſmuch as the glory of the Kingdom caſts a Luſtre upon them, ſo they likewiſe do not imbezle or diminiſh the Kingdoms glory but render it more glorious, beſides 'tis requiſite, that thoſe who are conſtituted Kings ſhould have minds full of care in ruling, in acting with a great deal of moderation, in decreeing righteous judgment, in ſparing and having a tender regard to ſuch who are willing to obey, in procuring few parties, in ſiding with fewer.* A little below that, *Whilſt the vaſtneſs of the propriety of Princes includes all in the Boſom of its receivings, and nothing but the Princely Belly is ſtuft, all the reſt of the Members of the Nation drain'd and exhauſted, languiſh and decay for meer lack of ſuſtenance, from whence it comes to paſs, that neither the Commonalty can receive any ſuccour and aſſiſtance, neither can great ones maintain their dignity, becauſe whilſt the force of Power hath ſeized on all, the State of the Commonalty are not in a condition to defend the leaſt Rights,* the Synod do very warily and diſcreetly preſcribe to Kings their duty, and do withal neatly decypher to us a Kingdom ruled by a Tyrant, ſuch an one as is not to be found in this World.

* XII. Synod. *Toledo* c. 2. toward the end. *Salmat.* is miſtaken, who in defence, *R. C.* 4. *p.* 144. Printed 1652, affirms that Pope *Zacharius* was the firſt who abſolved People from the Oath of Allegiance, ſince that was done by this Synod ſeventy Years before *Zacharias*, who lived ſeventy Years, who lived about the middle of the eighth Century.

The *Spaniards* grown weary of King *Wamba*'s Government, ſhut him up *nolens volens* in a Monaſtry to do penance, and compelled him to elect *Ervigius* Grandee of *Spain*, taking no notice of *Theofredus* his Son; the *Twelfth Synod of *Toledo* was held on purpoſe to confirm this *Ervigius*, *Anno* 682. and this is the Language of the Synod, *And by that means the Peoples hands were looſed from all Bonds and Obligations of an Oath, which, during the Reign of the ſaid* Wambal, *were kept faſt tyed, paying duty and allegiance only to this Prince* Ervigius, *being at liberty, by all demonſtra-*

monstrations of acceptable homage, whom the very Divine Decree had fore-ordained to the Kingdom, and the kind and courteous People in general wisht for; wherefore these things considered, and in acknowledgment of this favour we are to serve none but God alone, and our King Ervigius, *and we are to be obedient to him, and devoted entirely to his Will, let us then perform with a ready mind, and without reserve endeavour to do whatsoever may conduce to the welfare and security of his Royal Person, whatsoever may promote the real Interest of him and his Country.*

Now must we hear *Ervigius* himself accosting and bespeaking the Fathers of the Synod, *For this in general I beg of you,* saith he, *that whatsoever doth not comport with the Laws of our glory, if there be any thing that may seem contrary to justice and equity, it may be rectified by your good disposition, meekness and judgement:* The same *Ervigius* how much he esteemed the decrees of these Councils abundantly shews in the Thirteenth *Toledo* Synod, which he Harangues after this manner, *for 'tis as clear as the Sun at Noonday,* that whatsoever *the sacred Assembly of Prelates hath thought fit to be observed, is by the special grace of the Holy Ghost ordained and prefixt and settled to all eternity, and is inviolably to be observed. I beseech you therefore, and conjure you, the whole Assembly of reverend Prelates, and you most excellent Princes and Peers, who by your homage and duty to the Court are obliged to sit in this sacred Assembly, I command you, I say, by the Mistery of the holy Trinity, that if there be any thing before you shall be judged needful to be decreed, or repealed, as well what by us hath been offered to your consideration, as also what else may have come to your hearing on behalf of the People, that you would be careful to decide and clear it with an unanimous vigour of justice accompanied with a due proportion of mercy.* XIII. *Toled.* Synod. *Flavius Ervigius* to the Holy Fathers.

Ervigius behaves himself before the Synod with abundance of modesty, who humbly implores their justice and mercy, and laying aside all loftiness of mind, sensible of his own inabilities to undertake such a charge, submits himself to its censure. We do not find it so now a days; no, no; but now you must take notice, that the aforementioned *Spanish* Kings were of the *Gothic* Race, but as to their Religion having renounced *Arianisme*, they became sound and orthodox from the time of *Ricared*: they had likewise won the Kingdom of *Spain* by force of Arms, and the right got by dint of Sword is accounted the best Title by your *Civilians*. Now let us proceed to the *French*.

The first that presents himself is *Childeric.* the 3*d.* the very last of the *Merovingian* Race, who was deposed by the Parliament and *Mezeray* in the life of *Childeric.* the 3*d.*

and hurled into a Monastry. Now there were present in this Parliament divers Bishops, amongst the rest was *Boniface* a Bishop of *Mentz* of great reputation, who set the Crown on *Pepin's* Head, who was put in the place of *Childeric*.

Idem in the life *Lewis* the pious.

No body can be ignorant of that notable Story of *Lewis* the pious Son to *Charles* the Great, who in the Synod of *Compeign*, composed of Bishops and Peers of the Realm, *Anno* 833. was tumbled from his Throne and forced into a Monastry. Synods in those days were made up usually of the Clergy and the States of the Nation, which was much the best way, especially in general Councils, for it is certain that for the most part the covetousness and ambition of the Clergy commonly corrupt both Divine and Human right.

Nor after what manner the *Capetians* were by consent of all the *French* substituted in the Room of the *Carlovingians*; and how *Lewis* the Eleventh was surrounded with thirty six Commissioners, without whose Advice he could not govern the Common wealth, as known to all, we omit.

But what on this Subject is beyond all exception, and may stop the Mouth of the Patrons of Tyranny, is the Consent of all the Christian Princes in the Convention of *Arras*: The business thus, *Charles* the Seventh, whilst he was but yet *Dolphin*, commanded *John*, Father to *Philip* Duke of *Burgundy* traiterously to be assassinated, thereupon a bloody War arose between the two Princes; but at length by the mediation and procurement of the Counsel of *Basil* and *Pope Engenius*, a Council was called, and held at *Arras* for composing Differences, whereunto the noblest part of *Europe* had resort. It was saith *Mezeray* the noblest and greatest of that Age, thither did all Christian Princes (except King *Henry* of *England*, who disputed the Crown of *France* with *Charles*,) send their Agents and Plenipotentiaries, and *Eugenius* his Ambassadors: A Peace being once clapt up between the two Princes, it was covenanted and agreed upon, that if either of the two Princes should not stand to their words, but violate the Articles of Agreement, that then his Subjects, absolved of their Oaths, might lawfully send Succours to another Prince against the breaker of the Covenant: here you may plainly see that all Princes do unanimously agree in absolving Subjects of their Oaths of Allegiance; besides you may see that a Vassal doth covenant with his Lord upon equal Conditions, for *Philip* was Vassal to *Charles*: So much the more is the simplicity of those to be laught at, who dare affirm that Princes are not so much

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as bound by Oath to their Subjects for performance of the Articles of a Treaty, when God himself is obliged to fulfill his promises, *the Lord hath* sworn, and will not *repent, and the holy Scriptures declare that all controversies are decided by an Oath*; as if Princes were obliged to resemble God Almighty in respect of his power, and not in respect of his faithfulness and veracity; But not to deviate too much from our present purpose; If it were lawful for Subjects to levy War against their Prince, for violating his word past to a Foreigner, I cannot see why it should be deemed an hainous offence to spurn and resist Tyranny, when they themselves are galled and oppressed. The *British* History likewise furnisheth us with a long series of Examples of this Nature, but too great a Prolixity, especially in matters of themselves, otherwise plain and evident, is tedious and troublesome: Let one therefore, and that very considerable in its self suffice, which is this: *John* surnamed *Sans terre*, or without Land, King of *England* and Duke of *Brittain* standing excommunicate by Pope *Innocent* the III. and his Subjects absolved from their Oath of Allegiance, the Kingdom of *England* was devolved upon *Philip* the *August*. Now *Philip* relying upon this donation of the Pope, having fitted out a huge Navy, was just ready to fall upon and Invade *England*; when *John* by his submission and obsequious compliance, regained the Pope's favour. Neither did *Philip* for all that desist from his enterprize, for he gave his Consent, that the Nobility of *England* should choose *Lewis* his Son, Husband to *Jone* K. *John*'s Niece for their King, and should Crown him in *London* accordingly; the Matter proceeded to Suit and Tryal before the Pope, still a great favourer of *John*: the Ambassadors of *Lewis* who solicited his Cause at *Rome*, mainly urged that *John* was never Leige King, because he was condemned by the Peers of *France* to have his Head cut off, for the Murder committed on the person of *Arthur* his Nephew, moreover, that if he were a King, yet that he had notwithstanding forfeited his Crown, by turning a Tyrant, and that it was Tyranny, as they said, to subvert and destroy the Regal Power, the death of *John* stops the Proceedings, and ends the Difference, and his Son *Henry* placed in his stead: Pray let the *French* take special notice of this Passage, who are out of humour and ill satisfied at the last Revolution and Change of the *British* Empire, and if they are wise, let them take warning whilst they may, by their own confession, Tyranny quite overthrows Kingly Power, and it evidently appears by their own Example, that

Psal. 110. 4. *Heb.* 6. 16.

that the Throne of a Tyrant may justly and lawfully be possessed by another, and in truth it was but just, that the Parliament should serve *James* the II: with the same Sauce as the Peers did *John*, not coming at all short of him in deserving to be dethroned, then again *John* did not go about to subvert the Established Religion then in Force, nor did he forsake the Kingdom and fly to the sworn Enemies of the *English* Nation, add hereto, that *William* and *Mary* had much a better Claim and Title to the Crown of *England*, as being Heirs presumptive, then ever *Lewis* had, who was no presumptive Heir.

I can hardly forbear the adding to this Example, that acknowledgment of the Authority of the Parliament by *Richard* the II, in his solemn surrender of his Crown upon their Sentence: I refer the Reader as to this point to the *English* Historians, more especially to *Henry Knighton*, Canon of *Leicester*, in his Book *De Eventibus Angliæ*, who hath at large and exactly insisted upon this dreadful deposing.

Yet I shall take notice of one thing not customary with Tyrants, to wit, that *Richard* did own and acknowledge the Peoples right in punishing bad Princes, and did allow himself uncapable of governing.

CHAP. II.

Wherein the Absolute Power and Authority of Emperors and Kings, by the Testimonies and Opinions of several learned Men is opposed.

THere are not wanting an innumerable company of Examples in History, of Kings banished from their Kingdoms for ill managment, yet I thought good to produce none but such, by which it may plainly appear that a Tyrant may be dethroned not only with a safe Conscience, but conscience even dictating and allowing the same. It will not be amiss to add to these the Testimonies of Emperors and Kings; together with the Sentiments and Opinions of some learned Men of the *Roman* Church. The first that offers himself is the renowned Emperor *Trajan*, who, when he presented a naked Sword to *Sura*, according to the custom, in creating him Prefect of the *Prætorium*, take this, or such like, saith he, and use it for me, if I rule justly, if unjustly, use it against me; next come *Adrian* none of the worst Emperors, who promised that he would so behave himself in holding the Reins of Government, as one who knew that it was the Peoples business that was committed

to

to his charge: But let they Heathens hold their peace, yet the Christian Emperors *Theodosius* and *Valentinianus*, utter such Truths as deserve to be Engraven upon the Palaces, yea, rather upon the Hearts of Princes; *It is a Confession, say they, worthy the Majesty of him that rules, to profess himself a Prince bound up by the Laws, so much doth our Authority depend upon the Law: And indeed it is somewhat more than Empire and Sovereignty, to make the Government obedient and subject to the Laws, and by this Edict, we do decree that whatsoever is not lawful for our Subjects, we do not pretend it to be to lawful for us; this saying is not unworthy of the Confessor neither, for it was the Law of King* Edward, *named the Confessor, touching the Office of a King: That if a King fail in his duty, the Name of King is no ways consistent with him.*

To *Volusius* Prefect of the Pretorium.

Now let us have recourse to the Doctors of the Church of *Rome*, and Pope *Zacharias* deservedly leads the Van, who returned this Answer to the *French*, consulting him about Abdicating *Childeric*, aforesaid; *That a Prince was accountable to a People, by whose favour he injoy'd the Crown, because whatsoever he possesseth, whether Power, Glory, Riches or Dignity, he must needs grant that he is beholden to the Commonalty for the same; and that it was in the Peoples power both to constitute and appoint a King over them, and also to abandon him.*

Æneas Sylvius follows next, who was Secretary to the Council of *Basil*, and came afterwards to be Pope under the Name of *Pius* the II. Æneas Sylvius *puts two queries, The one is whether a General Council hath Authority over the Pope; the other, whether or no the Catholick Faith do enjoyn the belief of it, which two,* saith he, *when I shall have examined and stated, there will be no place for doubting afterwards; but that the Pope ought to be subject to a General Council, the Reason produced before by the Bishop of* Burgos *doth excellently prove, for a Pope is in the Church just as a King in the Kingdom, now to imagin that a King can do more then the whole Kingdom together were absurd, therefore the Pope should not have power to do more than the Church. But like as Kings sometimes by reason of male Administration and exercising of Tyranny are ejected, and by the whole Kingdom excluded, even so by the Church, that is to say, by a General Council, may the Pope, without all question be deposed.*

Æn. Sylv. de gestis Concil. Basil. l. 1. f. 4. *in fasciculo rerum Expetendarium & faciendarum Pristinæ Editionis.*

Now let us hear what *Thomas Aquinas*, that Prince of the School-men, saith, *When a Tyrannical Government, which is not ordered for common Good and Advantage, but for the private ends of the Person reigning is not just, troubles and commotions happning*

Tom 2a. 2æ *quest.* 12. *art.* 22. at the end.

2a.2æ. quæſt. 10. art. 10. & quæſt. 12. 2.

in that State, doth not paſs for Sedition, the ſame *Thomas* lays it down for a certain and undeniable truth, *that Principalities and Dominions are not* jure Divino, *but* de Jure Humano.

John Gerſon ſucceeds him in his Opinions, who was a Maſter of Arts of high Repute and Authority with the *French*, in a Sermon of his to the King, in the Name of the Univerſity of *Paris*, *Even as*, ſaith he, *according to natural inſtinct, all the other Members expoſe themſelves for the Health and Safety of the Head, in like manner ſhould it be in the Body politique with Loyal Subjects in reſpect of their Sovereign; on the other ſide the Head ſhould guide and direct the reſt of the Members, otherwiſe diſtraction would enſue, for the Head could not laſt long without the Body; this truth is point blank contrary to thoſe who venture to aver, though erroneouſly, that the Lord doth not hold of, or is obliged to his ſubject in any thing whatſoever, which is both againſt Divine Right and Natural Equity, and the Truſt repoſed in Dominion, for as the Subject owes Faith and Allegiance, Service and Aſſiſtance to their Supreme Lord, ſo he in authority owes Faith and Aſſiſtance to his Subjects. One good turn requires another. According to ſome Doctors, the Sin of* Lucifer *conſiſted in this, That he would fain have domineered and ruled over all other Creatures, as God, without being obliged to protect and defend, or do them any ſervice.* Afterwards at the end of the Article, he adds: *And if ſo be, the Lord do not deal faithfully with them as Subjects, neither will they treat him as their Lord, according to that anſwer returned by* Domitius *to a certain Conſul, if* (ſaith he) *you will not have me for a Senator, neither will I have you for a Conſul.*

Joan. Gerſon edit. Paris 1606. fo. 79. 8. *& ſequent. art. Prima veritas.*

Secund. Verit.

The ſame Author adds, *As nothing can appear to corporal ſight more cruel or terrible, or more to be abhorred and avoided, then to behold a humane Body waſte it ſelf, or to tear it ſelf in pieces, or otherwiſe, in like manner it is no leſs cruelty to the Spiritual ſight of reaſon, to behold the Parts of the Body politick to be divided and perſecute one another, as a Sovereign his Subjects, and there is in effect, a perſecution in this, when they interfere and deprive one another of their Offices and Rights, for naturally every thing depends and maintains its own right, and doth repel a violent Action done to it, by violence,* Vim vi repellere licet, *'tis lawful to give a Man as good as he brings, hence it is manifeſt that they are in the wrong, who tell Lords that all is their own, and that they may do what they pleaſe, and are uncontroulable and unaccountable if they aſſume and appropriate to themſelves without any juſt Title thereto, whatſoever appertains to the Subject. But what's the meaning of this, that violence can do all things,*

things, and what will follow from thence? why, the same inconvenience will follow, as if the Head should attract to it self, all the Blood, Spirits, and Marrow, and Substance of all the other Members, and what would be the event of this, but that it must prove it's own ruin and destruction. And a little below that, adds, *I confess I dont understand whence this error proceeded, for to assert this, would be to cause Men tamely to submit like Sheep, and set Superiors like ravening Wolves over them, or to let fly Kites amongst Chickens.* Tert. Verit.

Like as Poyson kills the human Body, so Tyranny is a Poyson and Mischief that brings infallable ruin and destruction to not only the Body politick, but to the Regal also; For a Tyrant who by hook or by crook appropriates all to his own advantage is very unnatural, it being manifestly contrary to Civil Society, of which Aristotle *in the fifth Book of his Politicks hath spoken more at large, and may be comprized in this Distich.*

Pauca Sciant, de se diffidunt, sint & egeni,
Sic rege subditos dire Tyranne tuos.

A Tyrant would have his Subjects to know little, to mistrust themselves, and to be indigent; this is extreamly contrary to a right Regal Power, which chiefly aims at this, that Subjects should be powerful, wise and knowing, &c. *for what worse thing could the Peoples mortal enemy, or even the infernal, devise, then necessitate them to be poor and divided; one would much rather choose to be without a Prince, than have such a one, as the Fable goes of the Frogs, who had a Scorpion for a King, that devoured them all.* And yet a little further, *again we conclude,* saith he, *that if the Head, or any other Member of Civil State should chance to fall into such an inconvenience, as to desire to lick up this deadly poyson of Tyranny, each Member in its particular Station, should use his outmost endeavour to prevent and obviate the same by all expedients convenient to that purpose.* And a little further, *And therefore the Person who abuseth it, meaning the Power aforementioned, is rightly served, if he be divested of it. Wherefore it is plain those Men who presume to lead their King or Prince into so foul an Error, or into a condition of Tyranny, deceive them and are their very Enemies.*

The same Author in his Ten Considerations against Flatterers of Princes, saith, *It is a mistake to say that a Prince is nothing beholding to his Subject during his Reign, because it is agreeable as well to Divine Right as to natural Equity and Justice, and also to the chief Intent and Design of Dominion, that as the Subjects are to yeild Fealty, Assistance by Taxes, or otherwise, and homage to their Liege* VII. Consider.

Lord, ſo likewiſe the Lord on his part ows faith and protection. Nay, and if ſo be, the Prince in an obſtinate manner perſiſt in his wronging and perſecuting them de facto, *then this natural rule is* Vim vi repellere licet *holds good and takes place,* as does that of *Seneca* in his Tragedies *alſo,* Nulla adeo grata eſt victima quam Tyrannus: At the end of this Conſideration, he yet adds, *therefore Kings, who in an Arbitrary manner, exact ſuch grievances call them their Rights, no otherwiſe than the Pagan Idols are called Gods, not becauſe they are indeed ſo, but becauſe they are called ſo by them,*

Thus far the Chancellor of the Univerſity of *Paris,* then which nothing could have been ſpoken more pithily and elegantly, or more ſeaſonably to our preſent purpoſe, indeed it concerns both People and Princes, that Kings ſhould be good proficients in the School of ſo great a Maſter. There is one Man whom all *Europe* knows is but a poor Scholler in it.

In his Treatiſe of *Guelph* and *Gibellin.*

Now let that famous civil Lawyer *Bartolus* come out and ſpeak his mind. *It is a juſt Cauſe,* ſaith he, *that would have a tyrannical Government laid aſide, and as a juſt cauſe that is for a juſt Regiment.*

Bellermin. in Exca ſat. Barclaij ca. 22 in princip.

Some later Writers bring up the Rear *Bellarm. Peron. Franciſc. Torrenſis* and *Hen. Holden. To ſuffer,* ſaith the firſt, *an Heretical or a pagan infidel King, endeavouring to bring Men over to his Sect, it is to expoſe Religion to evident danger; and Chriſtians are not obliged, nor ought to tollerate a King that is an Infidel when Religion lies at ſtake, for when Divine Right ſeems to claſh with the Human, then indeed we muſt ſtick faſt to the Divine Right omitting the other, but now it is of Divine Right to maintain and preſerve Religion and Faith, which is but one only and not many, but it is of Human Right to have ſuch, or ſuch an one for King.*

Ibidem in 3. reſponſ.

The ſame Author in another place thus delivers himſelf, *For albeit, we ought to give obedience to a King, whilſt he is a King; yet it is not* jure Divino, *that we ſhould not abrogate or change the Conſtitutions of a Kingdom, nor deprive a King of it let him do what he will.* And again, *I taught you but juſt now, that when we have once this or that King ſet over us, we are bound to obey him* jure Divino *ſo long as he ſits upon the Throne, but that it was not* de jure Divino, *that he ſhould always, ſo long as he lives, ſit on the Regal Throne, for it may ſo come to paſs, that either he himſelf may Abdicate his Regal Power, or may be brought low, being overcome by ſome other King, or may be depoſed upon ſome other account, as for Hereſie or the like, now by what means ſoever he ceaſeth to be King, obedience and homage*

like.

likewise ceaseth to be due to him: A Man would swear *Bellermin* had written these things on purpose against King *James*'s case. *Peronius* comes next, who in a Speech of his he made to the States General at *Blois*, maintains stiffly that a King may be discharged from his Office, but, as well became a Parasite of the Pope, he leaves this Game to be played by him, and not by the People whom he terms the Beast with many Heads, as if a General Council, in whose power it is to depose a Pope, even by the Confession of the Assertors of pontifical Tyranny, were not quite as much a Beast with many Heads as the States General.

Torensis also insisting upon the same Principles with *Bellermin*, saith, *He that holds that the Authority of the Church is greater then that of a Pope, seems to me to mean nothing else but that the King of the Church, whose Regal Power is derived not from the Human Law, as is that of a secular King, but from the Divine Law, doth not at all differ from a secular King, who if he proves troublesom and pestilent, and a Tyrant may be deposed by the Subject.* *Torrensis de sum. Pontif. supra concilii authoritate.*

To both these aforesaid, doth *Henry Holden* a Doctor of the *Sorbon* subscribe, in a Book he ventured to publish at *Paris*, *The short and long of it is*, saith he, *considering that all Society commenceth from contracts and covenants entered into between the People and the Sovereign Power, of which Government and Discipline, Laws and Rules interchangeably ratified and agreed upon by mutual consent, are the Foundation of the Society or Community, as well as the Form and Life of it; manifest it is, that if Supream* Authority *shall command any thing oppugnant and contrary to the Laws, and having a design to erect an Absolute and Arbitrary Power shall say,* hoc pro ratione voluntas, *my will shall stand for a Law, by that very thing his Subjects are* ipso facto *freed and exempted from their obedience to such an ones Orders and Declarations. What hath been hitherto said concerning non Obedience, may be also transferd to open Resistance; for upon the same account that Subjects are dispensed from paying Obedience and Service to a Ruler, by the same right it may be lawful for them to resist and withstand the same Government; for when the Emperor or King shall exceed and go beyond the limits and bounds of his Power, and shall design to force things upon his Subjects, and compel and constrain them to wicked and unjust things contrary to divine, natural, and human Laws, it is evident from the Premisses that it may be, and is lawful for Subjects in such Circumstances by the Law of Nature, by all ways and means they can bethink themselves of, to stand upon their guard for their own defence, yea, and sometimes perhaps do lye under an obligation so to do.* *Anal. divin. fidei. l. 2. c. 9. corallar. de homine in societate constituto.*

I should divert and be wanting to my Cause, should I omit on this occasion the Testimony of grave *Didacus Savedra Faxardus* Plenipotentiary of the House of *Burgundy*, who acquitted himself with so much Applause in those several Ambassies he undertook for *Philip* the IV. whose words are the more conspicuous and remarkable, for that they were written for the Education of *Charles* the II. reigning at this day in *Spain*, they run thus, *Let the Prince know and acknowledge the nature of his power also, nor let him look upon it so Supream and Absolute, but that some part thereof at least resides in the people, which at the first they had either a mind to reserve to themselves, or else natural reason did grant it to them for their own preservation and defence, against the unjust and manifest Tyranny of the Prince. Good Princes do not take it much amiss that their Subjects should enjoy some sort of Freedom or other, none but Tyrants exercise Absolute Power in Government, the Welfare and Prosperity of the Publick, ariseth out of the due mixture and temperament of publick Liberty accompanied with the Prince's Authority, and is thereby mainly secured; not a puissant Prince, but a just upright Prince is the safest, nay, and he never loseth any thing in his Government, who does not violate and infring the Priviledges of the Subject, besides 'tis the part of a prudent Prince to grant and concede the free enjoyment of his Subjects Rights and Priviledges, especially when nothing of the Prince's Authority is lost by such concession, which, then only suffers some damage when he goes about to cozen and bereave Subjects of their Priviledges: may it suffice a Prince to leave that Crown he received from his Ancestors as he found it.*

Emblem politic. 20.

Paper and Ink would fail me, should I endeavour to trace all those who were positive in the opinion and have assented thereto, especially them of *Loyala's* Tribe, those *Becanus's*, *Mariannes* and *Suarezes*, nay, and the whole Gang of the *Regicides*, I forbear to name, as being the profest Enemies of Kings, and consequently unfit for Witnesses in this Matter.

Becan in controver Angl. p. 120. Edit. prim. Joan. Albini 1612. Marian. l. 1. de institut. Regis c. 6. Suar. defen. fidei Catholic. l 3. c. 3. & lib. 6. c. 4.

The courteous Reader may easily pardon me too, though I should not summon in the Doctors of the Reformed Church as witnesses of this Truth, who are the rather to be confided in, as being greater Divines, and more happily versed in Sacred Writ then the Papists be. Yet seeing that this Intent of ours is usually objected and charged upon the Reformed as peculiar to them, I supposed it will be my chief business clearly to evince this, to be not only the mind and suffrage of one Nation, of one Religion and Perswasion; but of all Christians, yea, and of all Mankind in

in general; but that the Reformed did countenance this Opinion, the more noble part of the Chriſtian World may convince us, which did not ſuffer Power to oppreſs and bear down Religion by the Tyranny of Idolatry and Superſtition. What is ſpoken of the Reformed in general, is not meant of every one in particular, for I am not ignorant that there are a great many to be found amongſt them, either too much addicted to Tyrants, or elſe living under Tyrants being timerous, have taught the quite contrary to this our Sentiment, even as amongſt the Papiſts, there is not wanting a good many Slaves of Tyrants, becauſe it is the main Deſign of the Roman Church, to ſubdue and captivate Man to Man, and not to Chriſt.

CHAP. III.

Wherein by Arguments brought from the Law of Nature and of Nations is evinced, that there is no ſuch thing as Abſolute Power.

WE have produced but too many illuſtrious Examples, and grave weighty determinations to overthrow the Abſolute Power of Princes, yet peradventure, ſome may deſire that we would impugn and oppoſe it by Arguments deduced from the Law of Nature and Nations; we ſhall not think much to gratifie their requeſt, for there is a vaſt company of Arguments do continually flow from the very Fountains of Nature it ſelf, wherewith as by ſo many battering Rams, the ſtrong hold of Tyranny may be battered and levelled with the Ground.

It might perhaps ſtand us upon in this place, to enter upon a Diſcourſe concerning the Riſe and Origin of Powers, but ſince, that is ſo long and tedious conſidering our preſent deſign, we are willing to leave that task to your Civilians; it will ſerve our turn to have only touched curſorily upon ſome of the chief Points which conduce to our purpoſe.

'Tis believed by all true Chriſtians, that if *Adam* had ſtood and perſevered in his primitive Integrity, his Poſterity would never have ſtood in need either of Laws or of Magiſtracy; Man being of unblamable life and upright converſation, would have been a Law to himſelf, and would have acknowledged no Government, but that of reaſon only. Amongſt Perſons perfectly equal, Human Nature would not have ſenſibly perceived any outward Government, but that of Parents of their Children, and that

that too, but until the Age of Discretion, and their being capable of reason, but as soon as ever reason became impaired and quite debilitated by sin, like a Coach-man jolted from his Box, it being no longer able to hold the Reins; then the affections and passions of the mind, like so many wild Horses whose guide was missing, begun to play their Pranks, and disorderly to be hurry'd up and down, then the human Chariot taking no notice of curb or check, would have been apt to rush upon *Precipices*, when the Almighty commiserating Mans case, surrounded and hedged him about with Laws, and applyed a Magistracy over him, that might be able to bridle and restrain the irregularity of his passions, and the exorbitancy of his Affections and Appetites, which was to conduct him in that way which was shewn him in it. Hence it appears, that Laws and Magistracy are the Fruits and Consequencies of Sin.

From whence it is observable, first of all that Absolute Power cannot demand or claim any Aid or Assistance from the Law of Nature, for it was not Nature that created Kings, but the mutual Consent of Men, for it is very idle and frivilous which some prates of, a kind of resemblance and adumbration of Kingly Power in brute Creatures; now that some of them seem to rule over other of the same Species, that rule, be it what it will, is no more but a Priviledge of the Sex, not of the Individuum: for example, the Bull seems to bear rule over the Cows, tho' not over the Bulls, with whom he often trys a touch for Mastery; the Ram seems to over-rule the Sheep, but not the Rams with whom he seldom fails to be at odds, and so for the rest. Moreover, Absolute Sway doth seem to me diametrically opposite to the Law of Nature, for as *Justinian* witnesseth all Men by the Law of Nature are free-born, therefore they are their own, and not another mans.

Inst. l. 1. c. 2. *Tit.* 2.

Now if any imagin he hath hit the Nail on the Head, if he say Absolute Power is an Appendix of Sin, and annext to it, by the occasion of which Human Nature is brought into bondage, truly methinks such an one never weighed the Matter considerately enough, true it is indeed, that since Sin, the cause of all mischeif and servitude, crept into the World, Human Nature hath been brought into bondage, but it is to sin and death, not to men. Neither will I deny, but that Kingly Power, as also all Magistracy is the Appendix and effect of Sin, for I have so stated the business before, but nothing can be inferred from thence, which may in the least favour Absolute Power, for seeing the

the whole Human Nature is contaminated and polluted, and even over-run with ſin; Princes themſelves, as Men, are born Servants to ſin, and are the Vaſſals of death as well as the meaneſt Peaſants, all mens conditions upon that ſcore are equal, whence any one may eaſily infer that by the Law of Nature whether intire, or lapſed, no right can be aſcribed to one Man over another, abating the right that Parents have over their Children.

II. Nor can Abſolute Power call any thing more to back and aſſiſt it out of the Law of Nations, becauſe the Law of Nations is in a manner common to all or moſt Nations. Now not all in general, (nay, not the moſt civilized and polite Nations,) do obey Kings, for they who do acknowledge Government, do not uſe it alike after the ſame manner, as is manifeſt from the various Conſtitutions and Models of Kingdoms. Amongſt thoſe who approach neareſt to Abſolute Power, if they be narrowly ſifted and examined, they will be found to diſcard and deſtroy Abſolute Power; nor indeed are we to paſs by in ſilence, that the firſt Form of Government inſtituted by God himſelf immediately was abſolutely Democratical or Ariſtocratical, wherefore its very plain and evident alſo, that Abſolute Power and Dominion is quite contrary to the Law of Nations, as never having been ordained any where that we can learn. There remains ſtill the Civil Law, under which it may ſeem to ſeek ſhelter and borrow patronage; but now what that Law is that juſtles out and deſtroys the Law of Nature and Nations, I cannot conceive, unleſs it be plain down-right diſhoneſty and injury.

III. If Abſolute Power were allowed upon Earth, then the right of God, the moſt juſt Creatour and wiſe Governour of all things, would not differ about temporals *intenſione* as they term it, but *extenſione*, from that created power, which is for the moſt part blinded by covetouſneſs, which is moſt impious to think.

IV. The whole is bigger then its parts, and a Prince is but a part of a Common-wealth, *Ergo* the Common-wealth is greater than the Prince: This demonſtration is ſtrongly backt from the conſideration, that a Common-wealth is a whole, ſtanding in need of a Prince *nec ad eſſe, nec ad bene eſſe, ſed tantum ad melius*, neither as to its being, nor well-being, but only to its better being; now when a Common-wealth is well and cannot be better; none but a perfect ſlave to Tyrants will deny, but that it highly concerns the Common-wealth to look about them and provide for their ſafety.

V. It is confeſt by all hands, that Laws were enacted for the reſtraining of Mens inordinate Luſts and Deſires, whence it is moſt clear that whatſoever power tends to the favouring Man's covetous Deſires is altogether an unlawful power; as modern experience that I may not rake into the records of Antiquity ſufficiently makes out: *It is an innate diſpoſition incident to Men,* (they are *Lipſius* his expreſſion) *to be inſolent and immoderate in Government, nor is it an eaſie matter to keep within compaſs a thing which is unbounded.* But now Abſolute Power doth favour the unruly deſires of Princes, therefore is unlawful. *Lipſ. de Conſtan. Lib. 2. Cap. 29.*

VI. All power is ordained by God for the benefit of Society, now Abſolute Power is the Calamity, bane and deſtruction of Society, therefore it is not ordained of God.

VII. Whatſoever derives its beginning from another, is to be ſubject and ſubordinate to that, to which it ows its beginning, eſpecially in morality

but Regal Power derives its rise and beginning from the People, therefore ought Regal Power to be subject to, and depend upon the People; the usual Answer to this Argument is, that the first Proposition is not always true, as for example, that the Pope is elected by the Cardinals, yet is he not subject to them after his Election; but this answer is vain and nothing at all to the purpose, for the Cardinals in the Election of the Pope do represent the whole Church together, which conferred this Trust and Charge upon them, and after they have once acquitted themselves of it, they are no longer the Representives of the Person of the Church, the Church it self ever remains superiour to the Pope, and at such time as she thinks good to lay down the Authority of a Pope, she may commit it to the Cardinals; but that Regal Power draws its origin from the People, if the business needed proving, it might be, without much ado, demonstrated from the very Coronation of the *French* Kings. For after this manner doth the Archbishop speak to him when he anoints him, *Maintain that State and Dignity in which you are placed to succeed your Father, by the Law of Inheritance, by divine Providence, by our present delivering it to you.*

Salmatius Edmund Richerius.

Mem. de du Tillet. in the Chapter of the Coronation of Kings.

VIII. Besides there was ever a great difference between Subjects and Servants, Subjects are always looked upon in the Scripture as Sons and Brethren, but Servants are accounted as the vilest and most abject of Mortals, now then if you ascribe Absolute Power to Princes, this difference and distinction would be quite out of doors, because the Power of Lords over Servants cannot be greater then Absolute, nay, and Subjects would be in a much worse condition then Servants, for as much as the Power of Lords over Servants cannot be called Absolute. If the Authority of *Justinian* the Emperour may be of any moment in this matter; *But at this time,* saith he, *it shall not be lawful for any Man whatsoever within our Empire, without some cause approved of by the Laws, to exercise any unreasonable excessive cruelty upon his Servants; for by the order of* Antoninus, *whosoever shall slay his Servant without cause, shall have no less punishment inflicted on him then if he had killed another mans, but even too great and extraordinary sharpness and austerity of Lords and Masters, was restrained by the Order of the aforesaid Prince, for* Antoninus *being consulted by some Governours of Provinces about such Servants who took refuge in the Temple, or fled to the Statue of the Prince, gave order that if the cruelty of Lords and Masters should appear intollerable, that they should be compelled to sell their Servants, upon good Conditions, and the price to be given to the Masters, and all the reason in the World; for it is expedient for the Common-wealth, that none make ill use of what he hath;* The words of this Extract sent to *Ælius Martianus* are these, *the Power and Authority of Lords over Servants ought to be just and blameless, nor ought any Person whatsoever to be defrauded of his right, but it mightily concerns Masters, to see that redress be not denied to those who shall lawfully require it for hardships, hunger, thirst, or intollerable injury.* M. *Antoninus* seems in these Clauses to Counsel and Advice Servants and Subjects to take their parts against Tyrants; 'Wherefore take cognisance of the Com-'plaints of those of the Family of *Julius* and *Sabinus*, who have fled for Refuge 'to the Sacred Statue, and in case they be either more hardly used and intreated 'then justice requires, or if you shall judge them ignominously wronged and 'abused; *venire jube*, cause them to be sold, so that they may never any more 'fall into their Lords clutches, and if he shall prove to act otherwise then 'becomes a subject, and shall not submit to this my Ordinance, let him understand 'that I shall execute the severity of the Law against him for such a default. This constitution of the Emperors doth altogether correspond with the Law of God, by which it is commanded, that if any one shall deprive a Man-servant or a Maid-servant of one Eye, yea, or but of a Tooth, then he shall be forced to grant them their liberty, *Exod.* 21. 26, 27.

Deut. 17. 15. *Matth.* 17. 25.

Instit. l. 1. *Tit.* 8. c. 2.

God

God likewise commands that if any one Induced by Poverty, shall sell himself, he shall not be reckoned as a bond Servant, but as an hired Servant and a Sojourner, he was to serve till the Year of *Jubile*, and then to depart both he and his Children with him, he shall return to the Possession of his Fathers, he and his Children, for they are my Servants which I brought forth out of the Land of *Ægypt*, they shall not be sold as Bonds-men. Thou shalt not rule over them with rigour, but shalt fear thy God. You see that for some certain reasons, that is to say, for cruelty, for hunger, or upon the account of insufferable wrongs, that Servants might by Gods appointment, and by the Emperors Constitutions, which have now the force of Laws, be exempted from their Masters commands and injunctions. Why may not then Subjects be withdrawn from, and dispensed of their duty to Princes unfit to bear sway? *Exod.* 21. This is an incomparable Demonstration and not to be evaded.

From the Second Book also of the *Fiefs* or *Feudaries*, *Tit.* 26. 5. it appears, that the Lord is no less capable to commit an act of Treason against the Vassal, than is the Vassal against the Lord, which if it shall so happen, the Lord loseth all his right over the Vassal; no, nor is that Power of Fathers over Sons Absolute neither, though it be founded upon the Law of Nature, for a Son is discharged from the Duty to a Farther, that with cruelty, and beyond all reason misuseth him, or if the Father shall thunder out disinheritance against the Son, the Laws shall carefully inquire into the occasions of disinheriting, and if it be upon slight Grounds or unadvisedly done, that disinheriting shall be lookt upon as null and of none effect.

Last of all, if all Subjects be but Servants, what becomes of Peers, without whom a King cannot try a Peer, but if the King hath need of Peers in passing Sentence, by Votes, what signifies your Absolute Power; truly I am even ashamed of those Persons, who professing themselves Christians, have a slighter opinion of Humanity then the Heathens have. *Antonin.* was an Heathen.

It is taken for granted amongst all the asserters and maintainers of Absolute Power by *Barklay*, *Grotius*, yea, and by *Salmatius* the most daring and boldest of them all, that the People did not part with, or make over all their right to the Prince; as for example, they did not transfer all their right of chusing to himself a Successor, in case the whole Royal Family be extinct. *Salmatius* himself agrees with us in this matter, *Where the Seed of the Royal Line*, saith he, *in hereditary Kingdoms is quite extinct, in such case the Power returns to the People, to whom it may be lawful afterwards, to confer the like Government upon another Person, or change it into another form, neither did the People grant to the King the right of Alienating the Crown, or making it belong to anothers Dominion, and that for the publick Good and Advantage, for fear least some Stranger or other unfit Person should be set over the People.* *Grot de jure belli & pac.* l. 1. c. 4. n. 7. *Salm.* cap. 5. p. 164.

Charles the VI. is a pregnant example of this, who, at such time as he abandoned *Charles* the VII. his Son, and declared and appointed *Henry* King of *England* his Son-in-Law Heir to the Crown, this disowning and grant was judged by the People of *France* of none effect, and exploded; and so *Charles* the VII. was again fully restored to his Crown and Dignity. *Francis* the First also affords us a notable Instance of this same, that a King cannot warrant his alienating the Dominion of the Crown, or make it depend on anothers jurisdiction, who, after he had redeemed himself out of Captivity, wherein he was kept by *Charles* the V. at the expence of several Provinces, the People of *France* did stiffly maintain that it was not in the Kings Power to alienate the Dominion, (as they called it) wherefore when the *Salus populi*, or publick welfare is in Jeopardy, the People ever reserved to themselves the Right and Power of defending it, and by all ways and means of furthering and advancing it.

Grot. ut supra, He reckons seven causes why he may be removed from the Throne *Salm. c. 7. p. 24.*

X. Here comes many more still who shall be witnesses against themselves, for they say, That put the Case the King turn a common Enemy he may not be removed from the Throne, and thus speaks *Salmatius*, *If so be out of an hostile mind, he be fully bent upon the utter undoing of his Kingdom, he doth thereupon* ipso facto, *lose his right to it indeed, and may be justly forsaken by his People; now he doth then, become an open Enemy, when he doth not only shed his Peoples Blood right or wrong, but when he suppresseth Religion, commits Adultery with other Mens Wives, deflowers Virgins, seizeth and appropriates to himself Mens Estates, breaks his word, does abrogate and disannul Priviledges and Charters, and every where sheweth himself a contemner of divine and human Laws; for the Truth is, Thieves, Clippers and Coyners, Whore-Masters, and perjured Persons are no less Felons, and do no less deserve condign punishment and death, then Highway-men and Murtherers*; and to speak freely, there are but a few practical Tyrants that are not guilty of all these wicked Misdemeanors.

Conn. Constan sessio 4. and 5. *Basil.* 12. and 18.

XI. All Christian Princes who are inclined and adhere to the *Roman* Church, do professe themselves subject thereto in matters relating to Faith and Good Manners; and so do the two Councils of *Constans* and *Basill* injoyn. Wherefore when they commit any heinous Offence against Faith and Good Manners, no body questions but that the Church may proceed against them by Excommunication, but if despising a lesser Excommunication, they shall grow hardned in their wickedness, let them be struck with the Thunder-bolt of a greater, which differs from deposition, or final relistion, only in term of time, and in length, if they do not appease the wrath of their Judge by repentance and amendment, it then may end in exterpation and deposition. History supplies us with so many examples of this Nature, that who so requires to have them produced, shews himself but an ignoramus in ancient Records; who knows not that *Henry* the IV. King of *France* could never be acknowledged, till (his Ambassador being beaten with a Stick by the Pope's own Hands) he had expiated, and was punished for his Heresie as they suppose; who can be ignorant that *Philip* the *August* for his repudiating *Isemburga* his Consort, and taking to Wife *Mary Agnes* had very like to have lost his Crown and Dignity; if any would be certified how far the greater Excommunication may proceed, let him have recourse to *Philip* the *August*, wherein he may also meet with the Story of *John Sans terre*, mentioned before, nay, and did not *St. Germain* Bishop of *Paris*, whose Authority came far short of that of the Pope, inflict the penalty of Excommunication upon *Sigisbert* King of *Austravia*? what's the reason then, why the States of the Realm (amongst whom is to be found very many learned in the Law of Nature and of Nations) may not turn out and depose a convicted and incorrigible, refractory Tyrant: especially since a fault may be more descerned in Temporals then Spirituals, and seeing that it spreads it self with more dangerous consequences amongst the People, and that the Tyranny of a Prince does them much more harm then his Heresie.

Abbas Urisparg. Chron. p. 46.

XII. The imperial Dignity without all dispute is greater then the Regal, for an Emperor can create Kings, but, to create an Emperor was never the Power of any King, that was always left to the People, as their business only; but now the Emperor, how high soever his Dignity be, pays homage to the Empire, why then may not a King do the like to a Kingdom? the Empire may warrant their not standing by an unfit Emperor with their Lives and Fortunes even by the Laws, which falls out ever and anon: Why may not then a Kingdom forsake and dethrone a King unfit for ruling.

Lewis of *Bavaria*, *Winceslaus* and others.

XIII. Again, Absolute Power sets the Door wide open not only to the disorderly Vices of Princes, but also of the People; because *Regis ad exemplum totus componitur orbis*, every one strives to follow the Fashion at Court, we read

read of *Cambyses*, that when he was acquainted by some debauched flatterers that there was a certain Law, which gave leave to the King, to do what he lifted; married his own Sister, and after that, did allow of such kind of marriages to wipe off the scandal, and appearance of Sin: and it is not so long ago, since we saw, the Husband (of a Wife debauched by the King,) to debauch and steal away the Wife of another from her Husband, and all that connived at too, by reason of the King's ill example. So that we see that the fear of God's Law is not enough to restrain and bridle the King's lusts and unruly affections, for frequent experience tells us, that it is not at all sufficient.

Tam facilè & pronum est Superos contemnere testes
Si mortalis Idem nemo Sciat.

Juvenal 13. *Sat.* 13.

So easily Men with the Gods make bold,
When they alone behold the Sin we act,
No Mortal being witness to the Fact.

Except it be again and again inculcated to Princes, that God is pleased to make use of Men appointed on purpose to vindicate and enforce his Laws in the World, for there is nothing more common with Princes then to think the greatest Power, to be the greatest License to do what they please, as may be exemplified in *Vortigerus* King of *England*, who in the rage and heat of his Lust espoused his own Daughter.

Milton against *Salmatius.*

XIV. If Monarchical Government were Absolute, it would be the less noble then the Democratical, for Democracy is the Dominion over Free-born Men, for it implies a contradiction for a People in the same respect both to rule and obey; but a Monarchy if it be unlimited is the ruling over Servants, but now the Government over Freemen is a great deal more noble, then that over Servants, even as the Authority and Power of a Father over his Son, doth far excel the Power of a Master over his Slaves: It makes not at all against us that God's Power over his Creatures is Absolute, for I acknowledge that there can be no certain conclusion gathered from God to his People, by reason of the vast disproportion and immensity between his Nature and Power, and theirs. God cannot abuse his Power. Moreover, God's Power over intelligent Creatures freed from sin, which freedom is the only liberty of intelligent Creatures, is nobler far, then the Dominion over Creatures subject to sin, which is the perfect bondage of Creatures, and that I may speak what I think, truly your Court-flatterers do put a base Affront upon Regal Authority and mightily disparage it, when they have the confidence to make him pass for a Tyrant; not but that Monarchical Power, to say the truth, hath a certain transcendent superlative Excellency and ὑπεροχὴ above others, provided it be tied up and regulated and owned by the Laws, which is not our present design to dive into or discuss. It will suffice in this place, to lay the Foundation and Superstructure of Monarchy or Regal Power, and withal to fortifie and defend it by overthrowing of Tyranny, and at the same time to demonstrate that those immoderate cryers-up of Regal Power, just like the Gyants of old, whilst they aim at building their Tower too high, do endeavour its down-fall, and to be crusht with its ruins themselves.

XV. If we allow Absolute Power, it must be either *jure Divino* or *jure Humano*, but it is not by Divine Right, since God *Deut.* 17. maketh an everlasting decree against the unbounded desires of Kings, which I suppose will not be much amiss to set down in this place, *When thou shalt come into the Land which the Lord thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say,*

I.

I will ſet a King over me like as all the Nations that are about me: thou ſhalt in any wiſe ſet him King over thee whom the Lord thy God ſhall chooſe, one from among thy Brethren ſhalt thou ſet a King over thee, thou may'ſt not ſet a Stranger over thee which is not thy Brother; but he ſhall not multiply Horſes to himſelf, nor cauſe the People to return to Egypt, to the end, that he ſhould multiply Horſes: Foraſmuch as the Lord hath ſaid ye ſhall return no more that way, neither ſhall he multiply Wives to himſelf, that his Heart turn not away, neither ſhall he greatly multiply to himſelf Silver and Gold, and it ſhall be when he ſitteth upon the Throne of his Kingdom, that he ſhall write him a Copy of this Law in a Book, out of that which is before the Prieſts and Levites, and it ſhall be with him, and he ſhall read therein all the days of his Life: that he may learn to fear the Lord his God; to keep all the words of this Law, and and theſe Statutes to do them, that his Heart be not lifted up above his Brethren, and that he turn not aſide from the Commandements to the right Hand or to the left; to the end that he may prolong his days in his Kingdom, he and his Children in the midſt of Iſrael.

Pſalm. 2. 10. *Be wiſe now therefore O ye Kings, be inſtructed O ye Judges of the Earth*: Nor is Regal Power by Human Right, Abſolute neither, for the practice and cuſtom of all Nations, as we already have plainly demonſtrated, are point blank againſt it; beſides who can think People ſo mad and ſenſeleſs, that when they may live abundantly more happy under the Government of Kings, who are ſubject and liable to Human Laws, than under thoſe who are not regulated by the Laws, nor obſerve them, I ſay are they ſo ſimple as to love and admire thoſe rather, who are found by experience to trample upon Laws.

XVI. Never was there yet any Law either Divine or Human, whereby the Abdication of a Tyrant is prohibited; if there be extant any ſuch that may ſeem to ſpeak in their favour, thoſe relates particularly to their Life, and not to the Adminiſtration of their Government. On the other Hand, the practice of turning out Kings, received in all Ages foregoing, and confirmed by frequent uſe, doth plainly argue that the publick Safety and Welfare is by all manner of ways poſſible to be defended and ſecur'd, and that one ſingle Perſon ſhould not be obeyed, at the coſt of indangering the whole Nation, is a Law I think Nature it ſelf hath enſtamped upon the Hearts of all Men whatſoever, now where Divine Laws are ſilent, who queſtions but that Nature may be liſtened to, as a Deity.

XVII. Nothing ſo much argues the badneſs and wrongneſs of the Cauſe, as that the great Aſſertors are not conſiſtant with themſelves, and do often ſhift Scenes, change and beg Principles as the Schools call it, but theſe Paraſites of Tyrants are not much unlike that in *Terence*, *modo aiunt*, *modo negant*, ſometimes they affirm it, by and by they deny it, ſometimes, I ſay, they are for having Kings to receive their Power and Authority immediately from God alone, ſometimes again, that indeed they owe it to God, but by the help and aſſiſtance of the People, and that the People did fully and irrecoverably make over and transfer all the right they had to them; then again, they will pauſe a while, and demur upon the Caſe, ſometimes they maintain their Ground, and ſpeak out without more ado, but let them come to a concluſion, and ſpeak freely whether they would have the Government depend on God alone, or on the good-will and courteſie of the People; if they would have it depend on God alone, let them produce that Law of God, whereby Abſolute Power is ordained; for we can ſhew them the quite contrary. If they acknowledge the Peoples kindneſs to have any hand in it, it doth extreamly behove them to make out this plain and irrevocable transferring the Peoples right upon them, which, they never will be able to do?

XVIII. Regal

XVIII. Regal Right in all Nations is the ſelf ſame as to its Riſe and Origin, if ſome Nations parted with more then they needed to have done to their Princes, that produced from their ill-bred diſpoſition knowing no better, or from their want of skill in their own and the Nations Right. I will make it clear to the meaneſt Capacity: Regal Power ſometimes falls to a Female in ſome Nations; not excepting thoſe Nations that are reputed the moſt barbarous, whether it be, that the Adminiſtration of Government be intruſted with her under the Title of Queen, or Queen Regent; but now it is nonſenſe to think that the Power conferr'd upon a Woman by the People is Abſolute, therefore it doth not ſtand with reaſon that it ſhould belong to a King, neither indeed doth the Regal Authority ſuffer any diminution when it is devolved upon a Queen either by the King's death, or any other accident whatſoever.

XIX. Thoſe amongſt the Papiſts, who do leaſt flatter and ſooth Papal Tyranny do aſſert that the Pope is capable of doing as much in the Church, as a King can do in the Kingdom, yet notwithſtanding they briskly maintain, that a General Council is Superiour to a Pope, and may depoſe him at will. But the Pandors of the Whore of *Babylon*, who wonderfully extols her Authority above that of Kings, do not deny, but that a Pope may, and ought to be depoſed for Hereſie: Therefore according to all theſe Doctors a Tyrant may, and ought to be depoſed, for that the Pope, whoſe authority is above, or at leaſt equal to Regal Authority, may, and ought, whenſoever he ſhall turn Heretick, be removed from holding the Reigns of Church-Government.

Amongſt which we reckon *Gerſon Æn. Syl.* and late writers *Edm. Richer. Elias du Pin.* and many others. Add to theſe *Beller. Peron. Torrenſis* and many Jeſuits.

XX. That Authority is the greater, that performs the greateſt things, but the Authority of the People creates both Kings and Emperors, but the Authority of the King, cannot ſo much as create a King, therein does the Peoples Authority, exceeds that of a King.

XXI. In all Chriſtian Kingdoms there are certain Orders of Knighthood, by which the moſt illuſtrious and renowned of the Subjects, together with the King, are uſually dignified and diſtinguiſhed; the Sovereign of theſe Knights is the Prince, who is equally bound, and even takes an Oath to obey the Statutes of the Order, as well as the reſt of the Members of that Order. Now if the King in this Ceremony obliges himſelf by Oath, much more is he bound by that Oath he takes at his Coronation, becauſe this laſt Oath is abſolutely neceſſary, *neceſſitate medii*, by a neceſſity of the means, as they term it; without which the King could not be King: But the other Ceremony depends meerly upon choice, and is an indifferent Ceremony, having no Relation at all to the Regal Office, and no ways beneficial to the Publique; therefore the Coronation Oath is more Strictly and inviolably to be performed, and doth more firmly bind Princes, than doth the other.

We look upon it as a needleſs piece of work, to diſtinguiſh between the Rights of one Kingdom and another; 'tis all one, for there are but two Originals of Kingly Power, *viz.* Force of Arms and Election; Chriſtians are unacquainted with Lots, the Heathens ſeldom or never made uſe of them; if a King, win a Kingdom by force of Arms, yet for all that, he muſt not compel his Subjects to things unjuſt and contrary to the Law of Nature and of Nations, if he do force them upon ſuch things; why, then indeed, when occaſion ſerves, and when their ſtrength permits, Subjects may have recourſe to their right of reducing the King to his juſt Limits of Government, conformable to that celebrated Axiom, *vim vi repellere licet.* It is lawful to repel force by force, for what was taken away *nolens volens* may alſo be recovered by force; if Election could take place, yet we ſhould have the better of it however, becauſe there is no Election without Obligations

and

and Conditions, whereunto as well Princes as People are to be equally bound and obliged; both Nature and Religion do alike will and require it: For asmuch as God himself (as we but just now hinted) hath bounded himself by his Promise, so ought a man, how eminent in vertuous Qualifications soever he may be to exercise Humane Dominion over other men, as by no means to aspire to Divine Honours; who finds himself no whit better than his Neighbours, and must not take too much upon him, nor so demean himself amongst his fellow Creatures, as if he had attain'd to a degree of Divine Perfection; for men create Idols, but do not create Gods. The right of inheritance has no greater Right than the Law of Arms, or the Law of Election, because a Successors Right and Power are entailed upon him by vertue of his Predecessors; And Right is what the Subject granted and yielded to, and not what Princes usurped to themselves. A Prince 'tis true, by inheritance obtains the right of taking upon himself the Government of the Commonwealth, before any other of the same Nation, but that Right doth not procure for him, as I may so say, so large a Power, and superlative a Government above others; for it was not the Peoples intent and design, when they honoured one Family with such high Dignity, that it should thereby become prejudicial and more troublesome to them, but rather that they should find the Family so much the more gracious and bountifull, by how much they had, upon several accounts, obliged it to them: 'Tis true indeed, it is somewhat an hard task to alter the Form of Government, which are obtained by Inheritance, because Regal Power in one Family by long possession, and confirmed by custom, pleads prescription, yea, and hath mustered up all its Forces to strengthen and uphold its Dignity; but notwithstanding it doth not thereupon follow that by Law or Right, their Power is fuller or more valid, than if they were beholden to Election for their Authority; in as much as it derived its Pedegree and Original from the Peoples bare concession. It is confessed by all men, that the Almighty did out of a tender regard to his People, grant them the liberty of making choice of what Form of Government they thought most convenient, and most suitable to their manner of living: It will be therefore agreeable to reason, to conclude, that God did also grant them the liberty of changing the Government and Magistrates, as by themselves so constituted, especially if they abused their Power, and swerved from the true way conducing to the end propounded, that is an happy and peaceable Life: For since Princes were ordained for the benefit and advantage of Civil Society, it is more suitable and correspondent to the Goodness and Wisdom of God, that Princes should depend upon the People, who can never be wanting to themselves, than that the People should depend on Princes, who out of a certain innate Principle, incident to all men living, being all for their own ends, and for what they can get, oftentimes forget themselves, and their Duty towards the Common-wealth, and spoyling all by forgetting the true end why they were so highly promoted to that honour, make ill improvement of the Regal Dignity, and of the end for which it had been conferr'd upon them, use it for their own, and not for the Publique Advantage.

CHAP. IV.

Wherein is shewed, that there can be nothing gathered from the Old Testament, that doth contradict all these Arguments, nay, that doth not mightily strengthen them.

THE Patrons who stand up for Absolute Power, do commonly appeal to the Sentence and Judgment of Sacred Writ, and that with good reason, because

cause Scripture is the Judge of all Controversie, and is infallible, a most perfect Rule, by the which Christians are to square every Conception of their Mind, and also their Life and Conversation: God forbid then that we should deny such a Judge, the discision of this Point in debate.

Our Adversaries produce that remarkable known Passage in the History of King *Saul*, the substance of which we thus comprize: The *Israelites* now grown weary of the Government of Judges, require a King of God, like unto the Kings of other Nations; they don't forthwith obtain their desire, nor was it convenient they should; but before God would comply with their request, he forewarns them by his Prophet *Samuel*, of those things Kings would do, *praeter & contra officium*, besides and contrary to their Duty, and not altogether without precedent; yet they did not for all that alter their mind; at length God wearied by their improbrious Demands, granted them *Saul* for their King. I cannot imagine what advantage the Parasites of Tyrants can infer from hence, that can in any wise justifie and authorize their Cause: *Salmasius* is not asha- *Cap. 2. p. 43.*
med to assert, that by those Admonitions, whereby he tried to reduce them to *44, 45, 46.*
better obedience, and to reclaim them from their erronious Practices, to a sound mind, did intimate and point at Regal Power, which was not known to the *Israelites*: As if God should ordain the immoral and irregular Lusts of Princes to be the Standard of governing; and had a mind that they should be exempted from his Law, and unaccountable for what they did: To what purpose did he then establish a proper and peculiar Law for Kings, as we described before? by which Law they were commanded to have *Moses*'s Law near them, to apply themselves carefully to the learning of it, to turn it over and over again continually; and to that intent it came to pass *Samuel* delivered the Law written to *Saul*, then chosen to be King, which he punctually observed, threatning him no less than he did the People, with utter destruction, if he should depart from it: For he spoke to *Israel* in these words; *Behold, God hath set him a King over you,* *Deut. 17.*
obey and serve God, ye and the King who is set over you, otherwise you and your King shall perish; which doubtless put these words in King *James* the I. his mouth, when he drew up Instructions for his Son; *Whom*, saith he, *does the reading and* *Basil. Dorm. l. 1. p. 4.*
searching of the Scriptures more nearly concern than Kings themselves? forasmuch as in that portion of Scripture which makes first mention of the most excellent Kings of Israel, we find that they were not only invited and perswaded, but expresly enjoyned to be diligent in reading of, and meditating upon the Holy Scriptures. Alas! how few of the Kings and Queens (except *William* and *Mary*) did ever think this Duty incumbent upon them? Yet *Grotius* behaves himself much more mo- Grotius vide
destly than doth *Salmasius*, for he owns that those intimations and warnings of supra.
Samuel, were so many Predictions of future Events, and not a description of Regal Right.

For although Divine Providence did more tenderly indulge and encourage the *Israelitish* Kingdom, than other Kingdoms, for the Messiah's sake, who was to spring from the Royal Stock of *Israel*; yet that other Kingdoms should be ordered according to the same Model, would by no means follow from hence. *Salmasius* doth not stick to say, That *Saul and David were immediately ordained* *Cap. 6. p. 195.*
and appointed of God, that other Kings were but mediately only: Therefore nobody should wonder why they were more sacred, and more inviolable than other Kings. But if we consider this well, this distinction will be of little force; nor can any Argument drawn from hence, serve their turn; for God granted them such a King as they required, and they demand a King like to the Kings of other Nations, and not a King of a new institution, as I may so say, such an one as never was in the world before; God therefore grants them such an one as they desire. If then Kings of other Nations could be dethroned, no body can reaso-

nably queſtion but that the Kings of *Iſrael* might be ſo likewiſe: Therefore the matter muſt come again to be tryed by the Law both of Nature and Nations, neither did the two Tribes at all doubt of it, when in *Rehoboham*'s time they ſhook off the Yoke, and placed *Jerobobam* over themſelves; neither did their Crime ſo much conſiſtin that,as togetherwith rejecting *Rehoboham*, they forſook alſo the Temple and Worſhip of God; neither was any other thing in the mind of thoſe forty, who betook themſelves to the Cave of *Engedi* with *David*; nay, they pretended to have a more deſperate deſign in their heads, as touching this matter, than had the two Tribes; for they perſwaded him to make uſe of the opportunity put into his hand, to rid himſelf from the perſecution of the Son of *Kis*, by making him away. Of the ſame opinion was alſo *Abiſhai*, one of *David*'s Worthies, and Brother to *Joab*, who ſtealing privily into *Saul*'s Tent with *David*, who found *Saul* ſleeping within the Trench, and his Speer ſticking in the Ground, at his Bolſter, took it up, and offered his ſervice to *David*, ſaying. Let me ſmite him, I pray the with the Spear, even to the Earth at once, and I will not ſmite him the ſecond time. Now if any one ſhall narrowly examine the Hiſtory of *Saul* and *David*, he will undoubtedly find that the ſo ſtrenuous Aſſertors of Tyranny, have read the Scriptures, whereunto they ſo confidently appeal, but very careleſly and curſorily; for even *Saul* himſelf never took himſelf inviolable, or not to be medled withall; for after this manner ſpoke he to *David*, producing a piece of the Skirt of his Robe: *Thou art more righteous than I, for thou haſt rewarded me good, whereas I have rewarded thee evil; thou haſt ſhewed this day, how that thou haſt dealt well with me; for as much as when the Lord had delivered me into thy hand, thou killedſt me not*: For if a man find his Enemies, will he let them go away free? wherefore the Lord reward, thee good, for that thou haſt done unto me this day: Neither did *Saul* boaſt of or value himſelf upon his Unction, nor much inſiſt upon his inviolability; nay, he ingeniouſly confeſſeth, that he was ſubject to the fate of other Mortals, and that he had ſaved his life; he owned this wholly to the magnanimous clemency and kindneſs of *David*, and not to his own Majeſty and Dignity.

1 Sam. 24.

1 Sam. 26.

Now had the Royal Power, as a peculiar Badge and Characteriſtical mark of diſtinction, ſecured *Saul* from all attempts upon his Perſon, how chanced it that the four hundred and *Abiſhai* underſtood nothing of that Prerogative, only *David* by his prophetical Spirit, was able to pry into that buſineſs; nor in truth could *Saul* have this Prerogative, whatſoever it was, either from the Law of Nature, or of Nations, for then it would have been made known to all; but he had it only by a Special Grant and Favour, which in all probability was reveal'ed to *David*, by God alone: Now the Son of *Jeſſe* had plainly ſignified, that the life of the Son of *Kis* was in his hand, and that he was at his mercy, for thus ſpake he unto him, *The Lord delivered thee unto me, nor did I lay hands upon thee:* He ſtiles him indeed the Anointed of the Lord, and confeſſeth, that in conſideration of this Unction, he was induced to ſpare his life. Yet it does not therefore follow that he was inviolable; for if any one will refuſe or delay upon any account, to put a thing in execution, you muſt by no means infer from thence, that it was not lawfull for him ſo to doe; who knows not that Holy men fearing God do oftentimes forbear doing ſome things, which otherwiſe might be permitted to any one whatſoever. You know it is ſometimes a great ſign of generoſity towards an Enemy, not to take advantage of him; but *Saul* was not affected with the ſame reverence and reſpect to *David*'s Unction; for he perſecuted him with ſuch inveterate malice, becauſe he knew that the Son of *Jeſſe* was anointed for King of *Iſrael*, taking no notice at all of *Saul*'s other Sons. Again, *Abſolom* did not look upon his Father's Unction as ſacred, who endeavoured might and main, to wreſt the Scepter out of his hand; Nor did *Huſhai*, that

1 Sam. 24.

that wise and prudent *Counsellor to Absolom* go about to deter him from his enterprize, by magnifying to him *David*'s Unction, but by magnifying his and his Mens valour and resolutenes, which he pretended, was not adviseable to be engaged, without a pretty considerable stout Party. But some may reply that *David* durst not venture to lay violent hands upon the Lord's Anointed how bitter an Enemy soever, and raging against him with a bloud thirsty mind, nor can this seem strange to any one that shall observe the signal and distinguishing dispensation of God's Providence in this History; for without God's permission, *Saul* had not entered into the Cave, wherein *David*, whom he sorely persecuted, together with the forty Men of his Life-Guard lay hid, and it was because God would have it so, that *David* saw *Saul*, and that *Saul* was seen by him, that *Saul* should not hear the least noise, or whispering of those four hundred and forty Men, some of whom communed with *David*. Last of all, it was not without the special providence of God, that the Son of *Jesse* should cut off the Skirt of the Son of *Kis*'s Robe, and he never perceive it: Doth not the Holy Scripture make mention, that God caused a dead sleep to seize *Saul* and his Guard, when *David* accompanied with *Abishai*, slipt unawares into *Saul*'s Tent. It is more than probable, that all these things were disposed and foreordained of God, to give the Children of *Israel* to understand the constant goodness, and the meekness of the man so dear to him; and as the Scriptures declare, one after his own heart, and who by his valour and magnanimity, was to be an illustrious Type of the *Messiah*, from whose Loins the very *Messiah* himself, commonly stiled the Son of *David*, was to spring; if a man can indeed suppose any thing of Man, in that sweet and gracious deportment of *David* towards *Saul*: Was it not *David*'s prudence, who being the Anointed of the Lord as well as *Saul*, to secure his own life from the conspiracies of the People, by sparing the life of *Saul*, as the Lord's Anointed. 2 *Sam.* 3

Looking over the History of the first Kings of the *Israelites*, I find a notable Circumstance which might have stopt the mouth of the pleaders for Absolute Power, if they had but made the least Reflection upon it; The business was thus, The *Philistians* having been put to the rout, and totally defeated by *Jonathan*, *Saul* desirous of pursuing and gaining an entire victory over these uncircumcised *Philistians*, gave a strict charge to all his Soldiers not to touch any Victuals until the Evening; *Jonathan* being hot upon the pursuit, was not present when the Prohibition was made, and consequently ignorant of the same; now finding himself very much harassed, and half famish'd at his return into the Camp, having light upon some Honey by chance, dipt the end of the Rod that was in his hand in it, and did but taste of it: Now *Saul* consulting with the Lord whether he should continue the pursuit of the Enemy, the Lord gave him no answer; whereupon the King having a mind to know the reason of God's silence, cast the Lot, which fell upon *Jonathan*, who presently confessed the Fact; the King his Father swore he should suffer for it, and *Jonathan* began to submit to this cruel unnatural Sentence, and prepared himself for death: When the people to whom *Jonathan* had much endeared himself by his eminent Qualifications, and who had so well deserved of the Nation, by his fresh Victory over these *Philistians*, did oppose his intent, and wilfull swore, that an Hair of his Head should not fall to the Ground, since that if there were any fault, it was committed meerly out of ignorance: behold how the will of the People does clash with the Kings, and how the Peoples will prevailed over his; and reason good it should, nay, and all this passed in a peaceful manner, without the least Sedition on the Peoples part, and without the least muttering or complaint of the King, that there was any Violence offered him, or any attempt or incroachment upon his Authority.

Neither does the Power of *Ahab* appear very much abſolute, no more than that of the former King; foraſmuch as he could not poſſeſs himſelf of *Naboth*'s Vineyard, but by the fraud of curſed *Jezabel*, ſuch as was ſcarce ever thought of by the baſeſt of men, or by the worſt of women: Of *Jezabel*, I ſay, who firſt ſuggeſted it, nor could he deviſe any other means to ſeize of this piece of Land, but in raiſing up, and ſuborning Falſe-Witneſſes againſt this gracious Man, and in cauſing him to be put to death as a Blaſphemer.

1 *Kings* 21.

The Tranſactions of the Kings of *Judah* and of *Iſrael* do confirm this verity, where you may ſee that they drew by their example, their Subjects into Idolatry and all kind of wickedneſs, according as they were bygotted, and given to it themſelves, and did reclaim them, and hindred them from falling foul upon theſe Rocks, according as they kept themſelves aloof from them.

What was *David*'s ſenſe of his own proper Dignity Royal, is in the next place to be enquired into; Scripture informs us that he was anointed by *Samuel*, as Succeſſor to *Saul*; howbeit, *Saul* being gathered to his Fathers, *Abner*, Captain of the Guard to *Saul*, placed *Iſhboſheth*, youngeſt Son of the deceaſed, upon the Throne of *Iſrael*. What does *David* hereupon? Why, he wageth war with *Iſhboſheth*, under the notion of Competitor, not as an Uſurper, for he never impeached *Abner* of High-Treaſon, for taking the Uſurper's part, yea, he even ſolemnized his Obſequies, condoles his being put to death by *Joab*, (becauſe he ſlew *Azael*, *Joab*'s Brother,) with Tears and Praiſes. Nor did *David* look upon *Iſhboſheth* as guilty of Uſurpation, but pronounced him clear and blameleſs, yea, and revenged his Death too, tho none of the King's Anointed, by taking off the Murtherers: From all which, I cannot chooſe but wonder how ever it could enter into the thoughts of thoſe who ſtand for Tyranny, to ſeek refuge for their caſe, in the Hiſtory of *Saul* and *David*.

2 *Sam.* 2.

2 *Sam.* 3.

2 *Sam.* 4.

But the chief Maſter-Piece of Fawning-Courtiers, on which they lay the greateſt ſtreſs, ſeems to be this; that the *Iſraelites* never ejected, or ever called any of their Kings to an account, in a Court of Judicature, although the greateſt part of them were very diſſolute, wicked, and idolatrous; but what is lawfull is not according to St. *Paul*'s ſenſe, always expedient. It is the part of a wiſe man when he deſigns to ſet about any buſineſs of concern, to have a ſpecial regard to time and circumſtances, leaſt contriving unwarily, and not timeing it aright, he loſe himſelf, and fall ſhort of his expectation. The *Iſraelites* were but rightly ſerved, if they underwent greater puniſhments then others, who had ſet over themſelves a King, as it were againſt the will, and even in deſpite of God: They were even fain to ſmother and diſſemble with their grief for very ſhame, who had made a Rod for their own back. 'Tis alſo well known, that the Law hath not its force in time of war, nor can that people defend their Laws, when ſurrounded on all ſides with potent Enemies. Moreover it is not in every reſpect true, that Kings were never any where by the People of *Iſrael* thruſt from the Throne, for the revolt of the Ten Tribes from *Reboboham*, and their election of *Jeroboham*, is plain down right abdication and depoſing.

Beſides, we read how *Athaliah*, Mother to *Ahaziah*, invaded the Royal Chair after her Sons death, poſſeſſing it and enioying it for the ſpace of ſix years, and was in the end delivered up to be put to death, by the Councel of *Jehoiada*, the High-Prieſt: We read that *Amaziah* periſhed by the conſpiracy of the Citizens of *Jeruſalem*, that thoſe who had a hand in the murther, did not ſuffer for the ſame, as was the cuſtom amongſt the *Jews*; for they uſually puniſhed their Servants or Miniſters of State, who imbrewed their hands in the King's Bloud, which happened to not a few of them. I muſt needs confeſs, that they did not deal juſtly, and according to the due courſe of Law, but the Aſſaſſinates eſcaping ſcotfree, proclaims aloud, that ſuch proceedings, in taking away

2 *Kings* 11.
2 *Chron.* 25.

2 *Kings* 14.

away *Amaziah*, was allowed of, and acceptable to the People. Again we learn from Holy Scripture, that the management of the Common-weal h was taken from *Uziah*, by reason of his Leprosie, and delivered to his Son *Jotham*. Why should we mention those incomparable Heroes, the *Macchabees*, who carried on a War with prosperous event, and greater glory, against *Antiochus*, otherwise their Liege Lord and Sovereign; And why? because they oppresst the Jewish Nation with unreasonable cruelty, compelling them to the worship of Idols, by severe Edicts and Pknalties.

What, did not the *Jews* frequently make insurrections against the *Romans*, under whose jurisdiction they were? What was it moved the *Romans* to destroy the whole Jewish Nation, to sack and race the City of *Jerusalem*, but the high spirit of the Jews not brooking the *Roman* Yoke. *Salmasius* indeed confesseth thus much, *That as soon as ever the* Jews *became subject to the* Romans *Government, they did ever and anon rebel*, saith he,, *as it were against their implacable Enemies, and subverters of their Laws and Religion.* *Cap. 4. p. 121, 122.*

Nor do I ever perceive that the *Jews* mourned for the massacre of their Kings, but rather bore it with a kind of indifferency, and unconcernedness: They did not rent their Garments, nor put on Sackcloath, nor throw Ashes upon their heads, according as received Custom, when any mournful Accident surprised them; nay, seldom or never performed any Funeral Rites, by wailing and lamentation of the violent death of their Kings. What can we think of the silence of the Rabbies of that Nation, who never so much as expatiated upon the Praises of the Sovereign, forsooth, and almost perpetual power of their Kings; but on the contrary, we learn from *Salmasius*, *That* Moses, Maimonides *puts this difference between the Kings of* Israel *and those of* Judah, David's *Posterity, that those of* David's *Family should judge and be judged, but that the Kings of* Israel *should not have the power of judging, nor could be judged themselves neither; and that* Sechar *had quoted several Testimonies to that purpose.* *Cap. 2. p. 50, 51 and 55. Maimonidi, Halac Melac. Cap. 3.*

How come such a proud haughty Nation as they were, and no small admirers of their Priviledges, not to be proud of their Kings being inviolable: For so far were they from entertaining any such conceits concerning them, that in case they should have found them tardy, or committed the least offence against God's Ordinances, they would have cited them before the Sanhedrim, to be whipt with Rods, as well as the High-Priests.

I shall subjoin two Passages in this place, which may serve instead of a definitive and decretory Sentence and Determination to all those who suffer not their minds to be prepossest and hoodwinked by prejudice. The first is, that the creation of Kings is more than once ascribed to the People: This may be gathered from the History of *Saul*, of *David*, of *Solomon*, *Azariah*, *Josiah* and others. Concerning *Rehoboham*, *Salmasius* frankly owneth, *The Kingdom now in its infancy*, saith he, *when* Solomon *the King's death was once published and proclaimed, all Israel being assembled to appoint his son King over them, they complained to him*, &c. *What answer returned he to their just Petition? Why, he was so far from signifying any compliance with, and favourable acceptance of their Petition; that he positively threatned to lay heavier burthens upon them, and denounced the punishment of them with Scorpions, whom his Father only chastised with rods. He that was not yet a King to threaten thus, what would he have done if he had once gotten the Crown on his head.* I and after the *Jews* had mightily fallen away from their pristine glory and renown, yet would they not resign up, or be deprived of the priviledge of creating their Leaders: For the Writer of the Book of *Macchabees*, Lib. 1. cap. 13. gives us a relation of the Election of *Simon* the valiant, *Assoon as the People heard these words their spirits revived, and they answered with a loud voice, thou shalt be our Leader instead of* Judas *and* Jonathan *thy brothers; fight thou our battles, and whatsoever thou commandest, that will we do.* *1 Sam. 11. 1 Kings 11. 2 Kings 12. 2 Kings 14 and 21. Salmas. cap. 4. p. 111, 112. Cap. 13.*

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Now what man ſo void of reaſon as to imagine that all they depended upon the abſolute will and pleaſure of Kings, who conferr'd this Dignity Royal upon Kings? What, do the People reſerve no right to the thing that they themſelves create?

The other alſo we produce from Scripture, which plainly forbids the doing wrong to the People, for the Scripture teacheth us, that they and Kings are bound and ſtand obliged to one another, by the mutual and interchangeable Bonds of a Covenant.

2 *Sam.* 3. All the Elders of *Iſrael* came together before the King in *Hebron*, and *David* made a Covenant with them, before the Lord in *Hebron*; they firſt treated concerning the conditions, upon which the Son of *David* ſhould have the Scepter beſtowed on him, and this Treaty was between *Abner* and the People; in the firſt place *Abner* exhorts the people, and puts them upon conferring the Kingdom upon *David*; afterward he prevaileth upon them to gratifie his deſire; preſently he hath recourſe to *David*, produceth before him the reſult of the Treaty, that they have given their conſent; *David* ſigns and agrees to it; the Agitator between the Parties, together with his Aſſociates, having been ſplendidly and chearfully entertained: *Abner* having got what he would have had, and all things neceſſary to uſher in the buſineſs thus happily concluded, *I will arife*, ſaith he, *to David, I*

2 *Kings* 11. *will go and gather together to my Lord, the King, all Iſrael, that they may make a Covenant with thee*: nor did the High-Prieſt *Jehodadah* in any other manner advance *Joſiah* to the Throne of his Anceſtors; for he made him and the people mutually to contract and bargain together.

CHAP. V.

Wherein are examined thoſe Paſſages of the New-Teſtament, *which our Adverſaries endeavour to draw to their purpoſe.*

HAving thoroughly ſifted and diſcuſſed all the Succours that reinforce their Cauſe, out of the Old Law, Let us now ſee whether or no the New-Law be more favourable to them than that: They judge that Precept of our Saviour's, *Give unto Cæſar the things that are Cæſar's*, as the moſt material, and all in all, in this their Cauſe. But if I underſtand Chriſt's meaning, this famous Oracle of his doth rather make againſt our nonreſiſtant Paraſites than for them: For our Saviour doth not ſay all things are *Cæſar's*, but before he would anſwer this nice and cunning Demand, he thought it beſt to look upon the Inſcription of the Medal; nor is there any queſtion to be made, but that if the Image and Superſcription had been *Herod's*, (ſuch was the exactneſs of his Juſtice) he would have commanded to render unto *Herod* the things that were *Herod's*: Wherefore if the things that are *Cæſars* are to be rendered to *Cæſar*: Now if *Cæſar* exact thoſe things for his own, which are not ſo, by the Precept of Chriſt, or at leaſt the Precept ſtanding good and in force, they may be denied him; but the Honour, Life and Eſtates of Subjects are not *Cæſar's*: The Subjects are liable, in ſome reſpect in duty bound, to maintain his Dignity and Prerogatives with all theſe. They are therefore obliged not to grudge venturing their Life and Fortune, but it is to be at the diſpoſal of the Nation, and not as the Prince pleaſeth,

But now the reaſon why we are commanded in the Holy Scriptures to honour Kings, and even to obey them in ſuch things as are harſh, and croſs our Inclinations, to pay Taxes, to pour our Prayers and Supplications for them, this, if I am able to judge, doth not at all make for Abſolute Power; for we are commanded to exhibit Honour to whom Honour, Tribute to whom Tribute, Fear to whom Fear is due; to ſtrive to outſtrip one another in well-doing, to pray for all men. I would fain know if any one can deny but this is alſo due to Democratical Government; it is a thing granted by all Chriſtians in general, that all Honour and Reverence

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is to be paid to Princes, even to bad ones, so long as they sway the Scepter, provided they do not incroach upon the Rites of God Almighty, nor meddle with the Spiritual Concerns. But herein lies the main stress of the Question, and turns upon this Hinge; Whether or no Princes, not using their Power as they should do, and not administring the Common-wealth aright, may forfeit their Regal Power; if they do so forfeit, as we have before sufficiently cleared, we do contend that they may incur the Penalty of being discarded, and we do readily consent with the Council of *Basil* in the same, *Cui pia non prodest correctio, debita ei non parcat abscissio*; to him whom pious correction does no good, let not a deserved cutting off spare him, if so be it be once by the States of the Nation declared, that they have forfeited their Government; but I do not think it fit for any private Person, nor lawfull for divers particular Persons together to pass this Sentence, even as it is not lawfull for any private Person to introduce a new form of Government into the Common-wealth; but it is generally allowed by all, that this belongs to the whole Nation, or at least to the better part of it.

But to the end we may cut off all means and occasions from our Adversaries, of expecting any relief for the future from the New-Testament; those Precepts by which we are instructed in our Duty towards Princes and Magistrates, are to be explained by three Observations. 1st. Those Precepts as we observe, are recommended and enjoined to all who are in Authority over others, without exception. Now the Authority of those that bear rule, is not one and the same in all Nations; therefore the Laws of every Nation standing in full force and vertue, holy men would introduce their own Laws without prejudice to the other. 2ly. The Apostles Rules respect particular men, not the whole Lump and Mass of any particular Nation: For at such time as they were delivered, the Church did not compose any body politick, nor did compose any, till a long time after; nay, even the Apostles Authority was odious, and suspected by all Nations. 3ly. The Apostles had nothing to do to determine what Laws every Nation were to make use of; for our Blessed Lord would not have it, that his Church should make us any politick particular Government; for since it was to be propagated through all parts of the world, which according to the various disposition and humours of the People, the forms of Government do very much differ, nay, and sometimes are quite contrary one to another; it was but convenient that the Apostles should leave the administration of Government to it self with this proviso, that it should not contain any thing in it that might seem repugnant to the Tenure of the Gospel.

CHAP. VI.

Wherein is treated of the first Ages of the Christian Church.

BUT now because in the three first Centuries, out of an unparallell'd example of humility and patience, Christians never made the least insurrection against the Heathen Princes, by whom notwithstanding they were most barbarously and sundry ways tortured; this does not at all infringe or invalidate the force of our Argument, for they were no ways in a capacity of behaving themselves any otherwise, being destitute of Force, and all along subject whersoever they were to their Enemies; but we lose not one jot of our right, when we are debarr'd the use of it either by open force or any other insuperable way whatsoever, yet one or other may object, that the Christians might have entered into Confederacy with the most moderate Heathens against those who were cruellest and most violent, yet neither was it expedient for the Christian Religion to subdue the World to it self; it was a piece of indecency, for if after this man-

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ner to gain Triumphs over Idolatry, but so soon as ever it got the upper-hand of the World by abundance of patience and conspicuously eminent good living, and became, that I may use the words κρατοῦσα δόξα, the prevailing Doctrine, then did God out of his tender mercy grant Princes to his Church, who might be able not only to secure them and defend them from the Heathen, but even from bad Christians too. Now at this day we are by God's blessing in the same prosperous Condition, and without all paradventure, Christians may now use that Authority wherewith they are impowered by God.

Vales in Euseb. in Hist. Eccles. lib. 4. cap. 7.

But if any man shall pretend to scandalize or blame our Cause, for not having summoned all those they called Fathers, to give evidence to strengthen our Cause in hand, let him content himself with this Reply; That we have already given an account of the three first Ages: But as for the succeeding Ages, *Constantin* the Great will answer for us, who levied war in Christ's Name against *Maxentius* and *Licinius*, and managed it all along accompanied with Soldiers that were Subjects to both those Tyrants; who, upon the account of his noble and famous Exploits, in behalf of Christendom, is celebrated by the Praises and Encomiums of all the Fathers. It will not be much to deviate from our purpose, if we bring in, and join to *Constantin*, *Constans* the youngest of all his Sons, who had some thoughts of going to war with *Constantius* his brother, being an *Arrian* for the restoring of *Athanasius*, and the rest of the Orthodox Bishops to their Seas, but was prevented by death.

Up and down in *Eccles. Histr.*

So that I cannot but admire the maintainers of Tyranny should be so blind amidst so clear light, and that with such an impudent confidence should, what in them lies, bear down and oppress manifest Truth; and should peremptorily assert, *That till* Augustines *time, and not till after that time too, that there was no mention extant in History of any private person, who assassinated his King, or took up Arms against him; that not the least Cabal of Christian Conspirators durst ever dare to do the same, even to the most Pagan King; much less did any of the Peers of the Realm, ever pretend to stain his Conscience with the like wicked cruelty*: When it plainly appears by the History of all those Times, that *Magnentius*, who listed himself under the Banner of Christ, did cruelly and barbarously murther *Constans Augustus*, his Benefactor, and an Orthodox Emperor: And when it is certainly true, that *Maximus*, who was also in the List of Christians, did treacherously slay *Gratian* a Christian, and one of the best Emperours. And to name no more, it is evident that the most Christian King *Theodosius* did cut off *Maximus* the Tyrants head, who was the Murtherer of *Gratian*, after he had overcome him in War, and taken him Prisoner. Now we have produced all these before the Age St. *Augustine* lived in, not that we subscribe to, and approve of all these (God forbid a Christian should be possessed with such a perverse idle Spirit) but only to prove by the way, that this was matter of fact, which our Adversaries has the face to deny.

Salmas. cap. 4. p. 138.

And indeed if any one, who is not prejudiced, shall peruse Ecclesiastical History, he shall find, that the primitive Christians, who were eminent for Authority and power, did no less exercise it, than those now a dayes: besides the Christians of the first three Centuries did not stop the cariere of Tyrants by force of Arms, but by their Christian and vertuous Piety; not that God would have them divested of that authority the Law of Nature granted to all Nations, but it so seemed good to his Wisdom, that he might instruct all Nations, that Christs Kingdom was Spiritual, and that the World was to be brought under his dominion only by Spiritual Warfare; but when the World was subdued to Christ, the Church scattered far and wide over the face of the whole Earth, then it became very like to the Net in the Gospel, that inclosed abundance of good and bad Fish. God out of his infinite goodness did graciously grant them Christian Kings and Magistrates, whose business was to separate the good Fish from the bad, who should conduct and rule the numerous

numerous Church, as a well Disciplined Army: Moreover I desire you, to take Notice of one thing more, which puts this Truth beyond all exception, and that is this, that the Christians of the first three Centuries, did never suppress Hereticks by force of Armes; but after they had once got the management of Supream Affairs in their own Hand, they soon suppress, not only Hereticks, but even Schismaticks too by Armes. I, and St. *Augustin* himself sounded the charge to this Battle, which I do not so much approve of.

It does therefore evidently appear, that the Christians of the Primitive Church, supposing the Power of the Sword annexed to Magistracy, did forbear using it, whilst they were destitute of a Christian Magistracy; but when once they were Subject to a Christian Magistracy, Christian Religion did never deprive its Disciples of the Natural and Civil Law; and they publickly made appear, that Christ came not into the World to destroy and subvert Nature, but for the correcting and bettering of it. Away then with your Plagues of Mankind, who, that they may curry favour with Tyrants, have the impudence to bring back into more then *Egyptian* Slavery, those whom God hath brought out of the House of Bondage, whom Christ hath redeemed with his Precious Blood, that they should no longer be under servitude to Man.

And now methinks, we have abundantly evinced, both by the Decrees of the Councils, and by constant usage and practice, as well as by the Laws of Nations, by the determinations of the Doctors, by the confession of Emperours and Kings, and last of all by the Testimony of the Holy Scriptures, that Tyrants may be deposed, that the unruly desires of Kings may be restrained by the Laws. It doth therefore plainly appear, from the Premises, that the Parliament of *England*, did very wisely and seasonably provide for the good of the Commonwealth, when they rejected *James* the Second, who trod both Divine and Humane Laws under foot, and in putting that Pious and Magnanimous Prince, that Just Defender of the Faith, and of the Laws; yea, and true Heir to the Crown, in his stead. We shall not wander abroad, to search here and there for Examples and Testimonies beyond the Christian World; for since that the matter is to be tryed before Christians, and Christian Judges, reason requires, that it should be decided by Christian Laws. We have cull'd out from that plentiful Stock of Arguments, the choicest, and such as seem to have been offered to the World with the most mature Judgment, in which Examples, Conscience and the Publick Benefit, would very well agree and conspire together. We omit those, that either have too much to do with popularity, or prepostrous violence and heat, and such which smell too strong of Popish Tyranny, lest we should occasion scruples to some good Men, and administer any cause of wrangling or quarrelling to our Adversaries; and if I be not much mistaken, I have so explained and cleared the History of *Saul* and *David*, that from it, I hope, for the future, those passive obedient Parasites of Tyrants will not expect to find any thing to encourage them.

The Appendix to this small Treatise.

When I had quite made an end of this small piece, I accidentally met with the posthumous Work of *Edmond Richer*, Doctor of the faculty of *Paris*, no obscure person, touching Ecclesiastical Power in Temporal Matters, it was published at *Cologne Anno* 1691. wherein he makes as if he would lay some foundation for the absolute Power of the King, but defends it with such sorry pitiful Arguments, that altho he had a mind to sacrifice Truth to Regal Power, yet

in spight of his Teeth, Truth (for it's stronger than any King) will bravely hold up its Head against Error: nor would I have you take my word for it; let him have an hearing, bringing in his Evidence for Truth.

As to the Second Doubt, saith he, *I grant that every Commonwealth standeth upon its own Legs, and is sufficient for its self, by Divine and Natural Right, should it be either a Republick or a Monarchy, so it be done by a free Consent of the Estates, and the Publick Peace kept, for by what Right it doth by the unanimous consent of all, chuse freely a Prince, by the same Right also may it abrogate and disown that Prince, provided that in so abrogating, the Publick Tranquilty and Peace be not disturbed; for if the Publick Peace suffer thereby, it is far the wiser course to rest satisfied, and endure the Grievances and Tyranny of one single person than of many, conformable to that Precept of our Blessed Lord, not to pluck up the Tares with harm to the Wheat.*

In this Thesis, *Richerius* does not only settle and maintain the Right inherent to the People to depose ill Princes, but does also mightily approve of the late change that happened in the *British* affairs as lawful: For *Charles* the Second dying without lawful Issue, it was in the Parliaments Power, either to elect or refuse *James* the Second, by reason of his great averseness to the True Religion, it was therefore in the Parliaments Power to eject him; but they ejected him as one who did not administer aright; neither was the Peace and Tranquility disturbed in so abrogating him, neither were there more Tyrants placed in his stead, but the true rightful Heirs to the Crown *William* and *Mary*; and by rooting up the greatest part of the Tares, no damage to the Wheat ensued; yea it became more pure and clean, therefore *Richerius* could have desired nothing more in this Revolution.

Furthermore, the said *Richerius* tells us, that as well Reason as the Practice of the Primitive Church do confirm, that it is altogether unlawful to shock the Peace and Quiet of the Publick, only upon the account of a Princes oppressing or forsaking the Religion professed and established by his Predecessors, unless at the same time he injure the Peace, with the State of the Kingdom.

We have before lookt into the reason it self, and constant practice of the Primitive Church; but for all that, *Richerius* must needs confess that it is Lawful to restrain one that does injury to publick Tranquility. But this great *Parisian* Doctor useth a strange kind of distinction, *Except it so fall out*, saith he, *that he violate or corrupt the Peace, together with the state of the Kingdom:* He seems to make small account of Religion, who supposeth that the Religion of a Kingdom may be suppress, and that yet the Peace of the Kingdom may not be disturbed and destroyed; the good man knows that Religion is one of the tenderest things in the World; and thus you see how Truth uses to compel the Maintainers and Abettors of Falshood to acknowledge her; and even, whether they will or no, to extort an evidence for her against themselves.

Give me leave now to finish this Appendix with *Richerius*'s own Words, *We must conclude then*, says he, *that it is one of the greatest Miracles that can possibly happen to Mankind in any Civil Society, to be blest with a good Prince, which God out of his mercy bestows on them, as he gives ill Princes in his wrath.*

O Fortunatos nimium, sua si bona norint
Anglicolas ——

What mighty blessings may the *English* find,
If to their happiness they are not blind.

Gloria Deo in Excelsis.

XUM